

SECOND REGULAR SESSION

SENATE BILL NO. 584

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR MUNZLINGER.

Pre-filed December 1, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4164S.01I

AN ACT

To repeal section 195.010 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, section 195.010 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, section 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly, second regular session, and section 195.017 as enacted by house bill no. 641, ninety-sixth general assembly, first regular session, and to enact in lieu thereof seven new sections relating to industrial hemp, with penalty provisions.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 195.010 as enacted by senate bill no. 491, ninety-
2 seventh general assembly, second regular session, section 195.010 as enacted by
3 house bill no. 641, ninety-sixth general assembly, first regular session, section
4 195.017 as enacted by senate bill no. 491, ninety-seventh general assembly,
5 second regular session, and section 195.017 as enacted by house bill no. 641,
6 ninety-sixth general assembly, first regular session, are repealed and seven new
7 sections enacted in lieu thereof, to be known as sections 195.010, 195.017,
8 195.203, 195.600, 195.603, 195.606, and 195.609, to read as follows:

195.010. The following words and phrases as used in this chapter and
2 chapter 579, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled
4 substances to such an extent as to create a tolerance for such drugs, and who does
5 not have a medical need for such drugs, or who is so far addicted to the use of
6 such drugs as to have lost the power of self-control with reference to his or her
7 addiction;

8 (2) "Administer", to apply a controlled substance, whether by injection,

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

9 inhalation, ingestion, or any other means, directly to the body of a patient or
10 research subject by:

11 (a) A practitioner (or, in his or her presence, by his or her authorized
12 agent); or

13 (b) The patient or research subject at the direction and in the presence of
14 the practitioner;

15 (3) "Agent", an authorized person who acts on behalf of or at the direction
16 of a manufacturer, distributor, or dispenser. The term does not include a common
17 or contract carrier, public warehouseman, or employee of the carrier or
18 warehouseman while acting in the usual and lawful course of the carrier's or
19 warehouseman's business;

20 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
21 attorney general authorized to investigate, commence and prosecute an action
22 under this chapter;

23 (5) "Controlled substance", a drug, substance, or immediate precursor in
24 Schedules I through V listed in this chapter;

25 (6) "Controlled substance analogue", a substance the chemical structure
26 of which is substantially similar to the chemical structure of a controlled
27 substance in Schedule I or II and:

28 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
29 central nervous system substantially similar to the stimulant, depressant, or
30 hallucinogenic effect on the central nervous system of a controlled substance
31 included in Schedule I or II; or

32 (b) With respect to a particular individual, which that individual
33 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
34 the central nervous system substantially similar to the stimulant, depressant, or
35 hallucinogenic effect on the central nervous system of a controlled substance
36 included in Schedule I or II. The term does not include a controlled substance;
37 any substance for which there is an approved new drug application; any
38 substance for which an exemption is in effect for investigational use, for a
39 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
40 (21 U.S.C. Section 355) to the extent conduct with respect to the substance is
41 pursuant to the exemption; or any substance to the extent not intended for
42 human consumption before such an exemption takes effect with respect to the
43 substance;

44 (7) "Counterfeit substance", a controlled substance which, or the container

45 or labeling of which, without authorization, bears the trademark, trade name, or
46 other identifying mark, imprint, number or device, or any likeness thereof, of a
47 manufacturer, distributor, or dispenser other than the person who in fact
48 manufactured, distributed, or dispensed the substance;

49 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
50 from one person to another of drug paraphernalia or of a controlled substance, or
51 an imitation controlled substance, whether or not there is an agency relationship,
52 and includes a sale;

53 (9) "Dentist", a person authorized by law to practice dentistry in this
54 state;

55 (10) "Depressant or stimulant substance":

56 (a) A drug containing any quantity of barbituric acid or any of the salts
57 of barbituric acid or any derivative of barbituric acid which has been designated
58 by the United States Secretary of Health and Human Services as habit forming
59 under 21 U.S.C. Section 352(d);

60 (b) A drug containing any quantity of:

61 a. Amphetamine or any of its isomers;

62 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

63 c. Any substance the United States Attorney General, after investigation,
64 has found to be, and by regulation designated as, habit forming because of its
65 stimulant effect on the central nervous system;

66 (c) Lysergic acid diethylamide; or

67 (d) Any drug containing any quantity of a substance that the United
68 States Attorney General, after investigation, has found to have, and by regulation
69 designated as having, a potential for abuse because of its depressant or stimulant
70 effect on the central nervous system or its hallucinogenic effect;

71 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
72 ultimate user or research subject by or pursuant to the lawful order of a
73 practitioner including the prescribing, administering, packaging, labeling, or
74 compounding necessary to prepare the substance for such delivery. "Dispenser"
75 means a practitioner who dispenses;

76 (12) "Distribute", to deliver other than by administering or dispensing a
77 controlled substance;

78 (13) "Distributor", a person who distributes;

79 (14) "Drug":

80 (a) Substances recognized as drugs in the official United States

81 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
82 Official National Formulary, or any supplement to any of them;

83 (b) Substances intended for use in the diagnosis, cure, mitigation,
84 treatment or prevention of disease in humans or animals;

85 (c) Substances, other than food, intended to affect the structure or any
86 function of the body of humans or animals; and

87 (d) Substances intended for use as a component of any article specified in
88 this subdivision. It does not include devices or their components, parts or
89 accessories;

90 (15) "Drug-dependent person", a person who is using a controlled
91 substance and who is in a state of psychic or physical dependence, or both, arising
92 from the use of such substance on a continuous basis. Drug dependence is
93 characterized by behavioral and other responses which include a strong
94 compulsion to take the substance on a continuous basis in order to experience its
95 psychic effects or to avoid the discomfort caused by its absence;

96 (16) "Drug enforcement agency", the Drug Enforcement Administration in
97 the United States Department of Justice, or its successor agency;

98 (17) "Drug paraphernalia", all equipment, products, substances and
99 materials of any kind which are used, intended for use, or designed for use, in
100 planting, propagating, cultivating, growing, harvesting, manufacturing,
101 compounding, converting, producing, processing, preparing, storing, containing,
102 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
103 body a controlled substance or an imitation controlled substance in violation of
104 this chapter or chapter 579. It includes, but is not limited to:

105 (a) Kits used, intended for use, or designed for use in planting,
106 propagating, cultivating, growing or harvesting of any species of plant which is
107 a controlled substance or from which a controlled substance can be derived;

108 (b) Kits used, intended for use, or designed for use in manufacturing,
109 compounding, converting, producing, processing, or preparing controlled
110 substances or imitation controlled substances;

111 (c) Isomerization devices used, intended for use, or designed for use in
112 increasing the potency of any species of plant which is a controlled substance or
113 an imitation controlled substance;

114 (d) Testing equipment used, intended for use, or designed for use in
115 identifying, or in analyzing the strength, effectiveness or purity of controlled
116 substances or imitation controlled substances;

117 (e) Scales and balances used, intended for use, or designed for use in
118 weighing or measuring controlled substances or imitation controlled substances;

119 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
120 mannite, dextrose and lactose, used, intended for use, or designed for use in
121 cutting controlled substances or imitation controlled substances;

122 (g) Separation gins and sifters used, intended for use, or designed for use
123 in removing twigs and seeds from, or in otherwise cleaning or refining,
124 marijuana;

125 (h) Blenders, bowls, containers, spoons and mixing devices used, intended
126 for use, or designed for use in compounding controlled substances or imitation
127 controlled substances;

128 (i) Capsules, balloons, envelopes and other containers used, intended for
129 use, or designed for use in packaging small quantities of controlled substances or
130 imitation controlled substances;

131 (j) Containers and other objects used, intended for use, or designed for use
132 in storing or concealing controlled substances or imitation controlled substances;

133 (k) Hypodermic syringes, needles and other objects used, intended for use,
134 or designed for use in parenterally injecting controlled substances or imitation
135 controlled substances into the human body;

136 (l) Objects used, intended for use, or designed for use in ingesting,
137 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
138 the human body, such as:

139 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
140 without screens, permanent screens, hashish heads, or punctured metal bowls;

141 b. Water pipes;

142 c. Carburetion tubes and devices;

143 d. Smoking and carburetion masks;

144 e. Roach clips meaning objects used to hold burning material, such as a
145 marijuana cigarette, that has become too small or too short to be held in the
146 hand;

147 f. Miniature cocaine spoons and cocaine vials;

148 g. Chamber pipes;

149 h. Carburetor pipes;

150 i. Electric pipes;

151 j. Air-driven pipes;

152 k. Chillums;

153 l. Bongs;
154 m. Ice pipes or chillers;
155 (m) Substances used, intended for use, or designed for use in the
156 manufacture of a controlled substance;
157 In determining whether an object, product, substance or material is drug
158 paraphernalia, a court or other authority should consider, in addition to all other
159 logically relevant factors, the following:
160 a. Statements by an owner or by anyone in control of the object concerning
161 its use;
162 b. Prior convictions, if any, of an owner, or of anyone in control of the
163 object, under any state or federal law relating to any controlled substance or
164 imitation controlled substance;
165 c. The proximity of the object, in time and space, to a direct violation of
166 this chapter or chapter 579;
167 d. The proximity of the object to controlled substances or imitation
168 controlled substances;
169 e. The existence of any residue of controlled substances or imitation
170 controlled substances on the object;
171 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
172 in control of the object, to deliver it to persons who he or she knows, or should
173 reasonably know, intend to use the object to facilitate a violation of this chapter
174 or chapter 579; the innocence of an owner, or of anyone in control of the object,
175 as to direct violation of this chapter or chapter 579 shall not prevent a finding
176 that the object is intended for use, or designed for use as drug paraphernalia;
177 g. Instructions, oral or written, provided with the object concerning its
178 use;
179 h. Descriptive materials accompanying the object which explain or depict
180 its use;
181 i. National or local advertising concerning its use;
182 j. The manner in which the object is displayed for sale;
183 k. Whether the owner, or anyone in control of the object, is a legitimate
184 supplier of like or related items to the community, such as a licensed distributor
185 or dealer of tobacco products;
186 l. Direct or circumstantial evidence of the ratio of sales of the object to the
187 total sales of the business enterprise;
188 m. The existence and scope of legitimate uses for the object in the

189 community;

190 n. Expert testimony concerning its use;

191 o. The quantity, form or packaging of the product, substance or material
192 in relation to the quantity, form or packaging associated with any legitimate use
193 for the product, substance or material;

194 (18) "Federal narcotic laws", the laws of the United States relating to
195 controlled substances;

196 (19) "Hospital", a place devoted primarily to the maintenance and
197 operation of facilities for the diagnosis, treatment or care, for not less than
198 twenty-four hours in any week, of three or more nonrelated individuals suffering
199 from illness, disease, injury, deformity or other abnormal physical conditions; or
200 a place devoted primarily to provide, for not less than twenty-four consecutive
201 hours in any week, medical or nursing care for three or more nonrelated
202 individuals. The term "hospital" does not include convalescent, nursing, shelter
203 or boarding homes as defined in chapter 198;

204 (20) "Immediate precursor", a substance which:

205 (a) The state department of health and senior services has found to be and
206 by rule designates as being the principal compound commonly used or produced
207 primarily for use in the manufacture of a controlled substance;

208 (b) Is an immediate chemical intermediary used or likely to be used in the
209 manufacture of a controlled substance; and

210 (c) The control of which is necessary to prevent, curtail or limit the
211 manufacture of the controlled substance;

212 (21) "Imitation controlled substance", a substance that is not a controlled
213 substance, which by dosage unit appearance (including color, shape, size and
214 markings), or by representations made, would lead a reasonable person to believe
215 that the substance is a controlled substance. In determining whether the
216 substance is an imitation controlled substance the court or authority concerned
217 should consider, in addition to all other logically relevant factors, the following:

218 (a) Whether the substance was approved by the federal Food and Drug
219 Administration for over-the-counter (nonprescription or nonlegend) sales and was
220 sold in the federal Food and Drug Administration approved package, with the
221 federal Food and Drug Administration approved labeling information;

222 (b) Statements made by an owner or by anyone else in control of the
223 substance concerning the nature of the substance, or its use or effect;

224 (c) Whether the substance is packaged in a manner normally used for

225 illicit controlled substances;

226 (d) Prior convictions, if any, of an owner, or anyone in control of the
227 object, under state or federal law related to controlled substances or fraud;

228 (e) The proximity of the substances to controlled substances;

229 (f) Whether the consideration tendered in exchange for the noncontrolled
230 substance substantially exceeds the reasonable value of the substance considering
231 the actual chemical composition of the substance and, where applicable, the price
232 at which over-the-counter substances of like chemical composition sell. An
233 imitation controlled substance does not include a placebo or registered
234 investigational drug either of which was manufactured, distributed, possessed or
235 delivered in the ordinary course of professional practice or research;

236 (22) **"Industrial hemp":**

237 (a) **All nonseed parts and varieties of the cannabis sativa plant,**
238 **growing or not, that contain a cropwide average tetrahydrocannabinol**
239 **(THC) concentration that does not exceed three-tenths of one percent**
240 **on a dry weight basis; or**

241 (b) **Any cannabis sativa seed that is part of a growing crop,**
242 **retained by a grower for future planting, or used for processing into or**
243 **use as agricultural hemp seed.**

244 **Industrial hemp does not include industrial hemp commodities and**
245 **products;**

246 (23) "Laboratory", a laboratory approved by the department of health and
247 senior services as proper to be entrusted with the custody of controlled substances
248 but does not include a pharmacist who compounds controlled substances to be
249 sold or dispensed on prescriptions;

250 [(23)] (24) "Manufacture", the production, preparation, propagation,
251 compounding or processing of drug paraphernalia or of a controlled substance, or
252 an imitation controlled substance, either directly or by extraction from substances
253 of natural origin, or independently by means of chemical synthesis, or by a
254 combination of extraction and chemical synthesis, and includes any packaging or
255 repackaging of the substance or labeling or relabeling of its container. This term
256 does not include the preparation or compounding of a controlled substance or an
257 imitation controlled substance or the preparation, compounding, packaging or
258 labeling of a narcotic or dangerous drug:

259 (a) By a practitioner as an incident to his or her administering or
260 dispensing of a controlled substance or an imitation controlled substance in the

261 course of his or her professional practice, or

262 (b) By a practitioner or his or her authorized agent under his or her
263 supervision, for the purpose of, or as an incident to, research, teaching or
264 chemical analysis and not for sale;

265 [(24)] **(25)** "Marijuana", all parts of the plant genus Cannabis in any
266 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
267 **industrial hemp as defined in this section**, Cannabis Indica, Cannabis
268 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
269 the seeds thereof, the resin extracted from any part of the plant; and every
270 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
271 seeds or resin. It does not include the mature stalks of the plant, fiber produced
272 from the stalks, oil or cake made from the seeds of the plant, any other
273 compound, manufacture, salt, derivative, mixture or preparation of the mature
274 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
275 seed of the plant which is incapable of germination;

276 [(25)] **(26)** "Methamphetamine precursor drug", any drug containing
277 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
278 isomers, or salts of optical isomers;

279 [(26)] **(27)** "Narcotic drug", any of the following, whether produced
280 directly or indirectly by extraction from substances of vegetable origin, or
281 independently by means of chemical synthesis, or by a combination of extraction
282 and chemical analysis:

283 (a) Opium, opiate, and any derivative, of opium or opiate, including their
284 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
285 the existence of the isomers, esters, ethers, and salts is possible within the
286 specific chemical designation. The term does not include the isoquinoline
287 alkaloids of opium;

288 (b) Coca leaves, but not including extracts of coca leaves from which
289 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;

290 (c) Cocaine or any salt, isomer, or salt of isomer thereof;

291 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;

292 (e) Any compound, mixture, or preparation containing any quantity of any
293 substance referred to in paragraphs (a) to (d) of this subdivision;

294 [(27)] **(28)** "Official written order", an order written on a form provided
295 for that purpose by the United States Commissioner of Narcotics, under any laws
296 of the United States making provision therefor, if such order forms are authorized

297 and required by federal law, and if no such order form is provided, then on an
298 official form provided for that purpose by the department of health and senior
299 services;

300 [(28)] **(29)** "Opiate", any substance having an addiction-forming or
301 addiction-sustaining liability similar to morphine or being capable of conversion
302 into a drug having addiction-forming or addiction-sustaining liability. The term
303 includes its racemic and levorotatory forms. It does not include, unless
304 specifically controlled under section 195.017, the dextrorotatory isomer of
305 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);

306 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
307 L., except its seeds;

308 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
309 chapter 144 of a drug other than a controlled substance;

310 [(31)] **(32)** "Person", an individual, corporation, government or
311 governmental subdivision or agency, business trust, estate, trust, partnership,
312 joint venture, association, or any other legal or commercial entity;

313 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
314 this state, and where the context so requires, the owner of a store or other place
315 of business where controlled substances are compounded or dispensed by a
316 licensed pharmacist; but nothing in this chapter shall be construed as conferring
317 on a person who is not registered nor licensed as a pharmacist any authority,
318 right or privilege that is not granted to him by the pharmacy laws of this state;

319 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
320 after mowing;

321 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
322 with the knowledge of the presence and nature of a substance, has actual or
323 constructive possession of the substance. A person has actual possession if he has
324 the substance on his or her person or within easy reach and convenient control.
325 A person who, although not in actual possession, has the power and the intention
326 at a given time to exercise dominion or control over the substance either directly
327 or through another person or persons is in constructive possession of
328 it. Possession may also be sole or joint. If one person alone has possession of a
329 substance possession is sole. If two or more persons share possession of a
330 substance, possession is joint;

331 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
332 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,

333 registered or otherwise permitted by this state to distribute, dispense, conduct
334 research with respect to or administer or to use in teaching or chemical analysis,
335 a controlled substance in the course of professional practice or research in this
336 state, or a pharmacy, hospital or other institution licensed, registered, or
337 otherwise permitted to distribute, dispense, conduct research with respect to or
338 administer a controlled substance in the course of professional practice or
339 research;

340 [(36)] (37) "Production", includes the manufacture, planting, cultivation,
341 growing, or harvesting of drug paraphernalia or of a controlled substance or an
342 imitation controlled substance;

343 [(37)] (38) "Registry number", the number assigned to each person
344 registered under the federal controlled substances laws;

345 [(38)] (39) "Sale", includes barter, exchange, or gift, or offer therefor, and
346 each such transaction made by any person, whether as principal, proprietor,
347 agent, servant or employee;

348 [(39)] (40) "State" when applied to a part of the United States, includes
349 any state, district, commonwealth, territory, insular possession thereof, and any
350 area subject to the legal authority of the United States of America;

351 [(40)] (41) "Synthetic cannabinoid", includes unless specifically excepted
352 or unless listed in another schedule, any natural or synthetic material, compound,
353 mixture, or preparation that contains any quantity of a substance that is a
354 cannabinoid receptor agonist, including but not limited to any substance listed
355 in paragraph (11) of subdivision (4) of subsection 2 of section 195.017 and any
356 analogues; homologues; isomers, whether optical, positional, or geometric; esters;
357 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
358 the isomers, esters, ethers, or salts is possible within the specific chemical
359 designation, however, it shall not include any approved pharmaceutical
360 authorized by the United States Food and Drug Administration;

361 [(41)] (42) "Ultimate user", a person who lawfully possesses a controlled
362 substance or an imitation controlled substance for his or her own use or for the
363 use of a member of his or her household or immediate family, regardless of
364 whether they live in the same household, or for administering to an animal owned
365 by him or by a member of his or her household. For purposes of this section, the
366 phrase "immediate family" means a husband, wife, parent, child, sibling,
367 stepparent, stepchild, stepbrother, stepsister, grandparent, or grandchild;

368 [(42)] (43) "Wholesaler", a person who supplies drug paraphernalia or

369 controlled substances or imitation controlled substances that he himself has not
370 produced or prepared, on official written orders, but not on prescriptions.

195.010. The following words and phrases as used in sections 195.005 to
2 195.425, unless the context otherwise requires, mean:

3 (1) "Addict", a person who habitually uses one or more controlled
4 substances to such an extent as to create a tolerance for such drugs, and who does
5 not have a medical need for such drugs, or who is so far addicted to the use of
6 such drugs as to have lost the power of self-control with reference to his
7 addiction;

8 (2) "Administer", to apply a controlled substance, whether by injection,
9 inhalation, ingestion, or any other means, directly to the body of a patient or
10 research subject by:

11 (a) A practitioner (or, in his presence, by his authorized agent); or

12 (b) The patient or research subject at the direction and in the presence of
13 the practitioner;

14 (3) "Agent", an authorized person who acts on behalf of or at the direction
15 of a manufacturer, distributor, or dispenser. The term does not include a common
16 or contract carrier, public warehouseman, or employee of the carrier or
17 warehouseman while acting in the usual and lawful course of the carrier's or
18 warehouseman's business;

19 (4) "Attorney for the state", any prosecuting attorney, circuit attorney, or
20 attorney general authorized to investigate, commence and prosecute an action
21 under sections 195.005 to 195.425;

22 (5) "Controlled substance", a drug, substance, or immediate precursor in
23 Schedules I through V listed in sections 195.005 to 195.425;

24 (6) "Controlled substance analogue", a substance the chemical structure
25 of which is substantially similar to the chemical structure of a controlled
26 substance in Schedule I or II and:

27 (a) Which has a stimulant, depressant, or hallucinogenic effect on the
28 central nervous system substantially similar to the stimulant, depressant, or
29 hallucinogenic effect on the central nervous system of a controlled substance
30 included in Schedule I or II; or

31 (b) With respect to a particular individual, which that individual
32 represents or intends to have a stimulant, depressant, or hallucinogenic effect on
33 the central nervous system substantially similar to the stimulant, depressant, or
34 hallucinogenic effect on the central nervous system of a controlled substance

35 included in Schedule I or II. The term does not include a controlled substance;
36 any substance for which there is an approved new drug application; any
37 substance for which an exemption is in effect for investigational use, for a
38 particular person, under Section 505 of the federal Food, Drug and Cosmetic Act
39 (21 U.S.C. 355) to the extent conduct with respect to the substance is pursuant
40 to the exemption; or any substance to the extent not intended for human
41 consumption before such an exemption takes effect with respect to the substance;

42 (7) "Counterfeit substance", a controlled substance which, or the container
43 or labeling of which, without authorization, bears the trademark, trade name, or
44 other identifying mark, imprint, number or device, or any likeness thereof, of a
45 manufacturer, distributor, or dispenser other than the person who in fact
46 manufactured, distributed, or dispensed the substance;

47 (8) "Deliver" or "delivery", the actual, constructive, or attempted transfer
48 from one person to another of drug paraphernalia or of a controlled substance, or
49 an imitation controlled substance, whether or not there is an agency relationship,
50 and includes a sale;

51 (9) "Dentist", a person authorized by law to practice dentistry in this
52 state;

53 (10) "Depressant or stimulant substance":

54 (a) A drug containing any quantity of barbituric acid or any of the salts
55 of barbituric acid or any derivative of barbituric acid which has been designated
56 by the United States Secretary of Health and Human Services as habit forming
57 under 21 U.S.C. 352(d);

58 (b) A drug containing any quantity of:

59 a. Amphetamine or any of its isomers;

60 b. Any salt of amphetamine or any salt of an isomer of amphetamine; or

61 c. Any substance the United States Attorney General, after investigation,
62 has found to be, and by regulation designated as, habit forming because of its
63 stimulant effect on the central nervous system;

64 (c) Lysergic acid diethylamide; or

65 (d) Any drug containing any quantity of a substance that the United
66 States Attorney General, after investigation, has found to have, and by regulation
67 designated as having, a potential for abuse because of its depressant or stimulant
68 effect on the central nervous system or its hallucinogenic effect;

69 (11) "Dispense", to deliver a narcotic or controlled dangerous drug to an
70 ultimate user or research subject by or pursuant to the lawful order of a

71 practitioner including the prescribing, administering, packaging, labeling, or
72 compounding necessary to prepare the substance for such delivery. "Dispenser"
73 means a practitioner who dispenses;

74 (12) "Distribute", to deliver other than by administering or dispensing a
75 controlled substance;

76 (13) "Distributor", a person who distributes;

77 (14) "Drug":

78 (a) Substances recognized as drugs in the official United States
79 Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or
80 Official National Formulary, or any supplement to any of them;

81 (b) Substances intended for use in the diagnosis, cure, mitigation,
82 treatment or prevention of disease in humans or animals;

83 (c) Substances, other than food, intended to affect the structure or any
84 function of the body of humans or animals; and

85 (d) Substances intended for use as a component of any article specified in
86 this subdivision. It does not include devices or their components, parts or
87 accessories;

88 (15) "Drug-dependent person", a person who is using a controlled
89 substance and who is in a state of psychic or physical dependence, or both, arising
90 from the use of such substance on a continuous basis. Drug dependence is
91 characterized by behavioral and other responses which include a strong
92 compulsion to take the substance on a continuous basis in order to experience its
93 psychic effects or to avoid the discomfort caused by its absence;

94 (16) "Drug enforcement agency", the Drug Enforcement Administration in
95 the United States Department of Justice, or its successor agency;

96 (17) "Drug paraphernalia", all equipment, products, substances and
97 materials of any kind which are used, intended for use, or designed for use, in
98 planting, propagating, cultivating, growing, harvesting, manufacturing,
99 compounding, converting, producing, processing, preparing, storing, containing,
100 concealing, injecting, ingesting, inhaling, or otherwise introducing into the human
101 body a controlled substance or an imitation controlled substance in violation of
102 sections 195.005 to 195.425. It includes, but is not limited to:

103 (a) Kits used, intended for use, or designed for use in planting,
104 propagating, cultivating, growing or harvesting of any species of plant which is
105 a controlled substance or from which a controlled substance can be derived;

106 (b) Kits used, intended for use, or designed for use in manufacturing,

107 compounding, converting, producing, processing, or preparing controlled
108 substances or imitation controlled substances;

109 (c) Isomerization devices used, intended for use, or designed for use in
110 increasing the potency of any species of plant which is a controlled substance or
111 an imitation controlled substance;

112 (d) Testing equipment used, intended for use, or designed for use in
113 identifying, or in analyzing the strength, effectiveness or purity of controlled
114 substances or imitation controlled substances;

115 (e) Scales and balances used, intended for use, or designed for use in
116 weighing or measuring controlled substances or imitation controlled substances;

117 (f) Dilutents and adulterants, such as quinine hydrochloride, mannitol,
118 mannite, dextrose and lactose, used, intended for use, or designed for use in
119 cutting controlled substances or imitation controlled substances;

120 (g) Separation gins and sifters used, intended for use, or designed for use
121 in removing twigs and seeds from, or in otherwise cleaning or refining,
122 marijuana;

123 (h) Blenders, bowls, containers, spoons and mixing devices used, intended
124 for use, or designed for use in compounding controlled substances or imitation
125 controlled substances;

126 (i) Capsules, balloons, envelopes and other containers used, intended for
127 use, or designed for use in packaging small quantities of controlled substances or
128 imitation controlled substances;

129 (j) Containers and other objects used, intended for use, or designed for use
130 in storing or concealing controlled substances or imitation controlled substances;

131 (k) Hypodermic syringes, needles and other objects used, intended for use,
132 or designed for use in parenterally injecting controlled substances or imitation
133 controlled substances into the human body;

134 (l) Objects used, intended for use, or designed for use in ingesting,
135 inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into
136 the human body, such as:

137 a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or
138 without screens, permanent screens, hashish heads, or punctured metal bowls;

139 b. Water pipes;

140 c. Carburetion tubes and devices;

141 d. Smoking and carburetion masks;

142 e. Roach clips meaning objects used to hold burning material, such as a

143 marijuana cigarette, that has become too small or too short to be held in the
144 hand;

145 f. Miniature cocaine spoons and cocaine vials;

146 g. Chamber pipes;

147 h. Carburetor pipes;

148 i. Electric pipes;

149 j. Air-driven pipes;

150 k. Chillums;

151 l. Bongs;

152 m. Ice pipes or chillers;

153 (m) Substances used, intended for use, or designed for use in the
154 manufacture of a controlled substance; In determining whether an object, product,
155 substance or material is drug paraphernalia, a court or other authority should
156 consider, in addition to all other logically relevant factors, the following:

157 a. Statements by an owner or by anyone in control of the object concerning
158 its use;

159 b. Prior convictions, if any, of an owner, or of anyone in control of the
160 object, under any state or federal law relating to any controlled substance or
161 imitation controlled substance;

162 c. The proximity of the object, in time and space, to a direct violation of
163 sections 195.005 to 195.425;

164 d. The proximity of the object to controlled substances or imitation
165 controlled substances;

166 e. The existence of any residue of controlled substances or imitation
167 controlled substances on the object;

168 f. Direct or circumstantial evidence of the intent of an owner, or of anyone
169 in control of the object, to deliver it to persons who he knows, or should
170 reasonably know, intend to use the object to facilitate a violation of sections
171 195.005 to 195.425; the innocence of an owner, or of anyone in control of the
172 object, as to direct violation of sections 195.005 to 195.425 shall not prevent a
173 finding that the object is intended for use, or designed for use as drug
174 paraphernalia;

175 g. Instructions, oral or written, provided with the object concerning its
176 use;

177 h. Descriptive materials accompanying the object which explain or depict
178 its use;

- 179 i. National or local advertising concerning its use;
- 180 j. The manner in which the object is displayed for sale;
- 181 k. Whether the owner, or anyone in control of the object, is a legitimate
- 182 supplier of like or related items to the community, such as a licensed distributor
- 183 or dealer of tobacco products;
- 184 l. Direct or circumstantial evidence of the ratio of sales of the object to the
- 185 total sales of the business enterprise;
- 186 m. The existence and scope of legitimate uses for the object in the
- 187 community;
- 188 n. Expert testimony concerning its use;
- 189 o. The quantity, form or packaging of the product, substance or material
- 190 in relation to the quantity, form or packaging associated with any legitimate use
- 191 for the product, substance or material;
- 192 (18) "Federal narcotic laws", the laws of the United States relating to
- 193 controlled substances;
- 194 (19) "Hospital", a place devoted primarily to the maintenance and
- 195 operation of facilities for the diagnosis, treatment or care, for not less than
- 196 twenty-four hours in any week, of three or more nonrelated individuals suffering
- 197 from illness, disease, injury, deformity or other abnormal physical conditions; or
- 198 a place devoted primarily to provide, for not less than twenty-four consecutive
- 199 hours in any week, medical or nursing care for three or more nonrelated
- 200 individuals. The term "hospital" does not include convalescent, nursing, shelter
- 201 or boarding homes as defined in chapter 198;
- 202 (20) "Immediate precursor", a substance which:
- 203 (a) The state department of health and senior services has found to be and
- 204 by rule designates as being the principal compound commonly used or produced
- 205 primarily for use in the manufacture of a controlled substance;
- 206 (b) Is an immediate chemical intermediary used or likely to be used in the
- 207 manufacture of a controlled substance; and
- 208 (c) The control of which is necessary to prevent, curtail or limit the
- 209 manufacture of the controlled substance;
- 210 (21) "Imitation controlled substance", a substance that is not a controlled
- 211 substance, which by dosage unit appearance (including color, shape, size and
- 212 markings), or by representations made, would lead a reasonable person to believe
- 213 that the substance is a controlled substance. In determining whether the
- 214 substance is an imitation controlled substance the court or authority concerned

215 should consider, in addition to all other logically relevant factors, the following:

216 (a) Whether the substance was approved by the federal Food and Drug
217 Administration for over-the-counter (nonprescription or nonlegend) sales and was
218 sold in the federal Food and Drug Administration approved package, with the
219 federal Food and Drug Administration approved labeling information;

220 (b) Statements made by an owner or by anyone else in control of the
221 substance concerning the nature of the substance, or its use or effect;

222 (c) Whether the substance is packaged in a manner normally used for
223 illicit controlled substances;

224 (d) Prior convictions, if any, of an owner, or anyone in control of the
225 object, under state or federal law related to controlled substances or fraud;

226 (e) The proximity of the substances to controlled substances;

227 (f) Whether the consideration tendered in exchange for the noncontrolled
228 substance substantially exceeds the reasonable value of the substance considering
229 the actual chemical composition of the substance and, where applicable, the price
230 at which over-the-counter substances of like chemical composition sell. An
231 imitation controlled substance does not include a placebo or registered
232 investigational drug either of which was manufactured, distributed, possessed or
233 delivered in the ordinary course of professional practice or research;

234 (22) **"Industrial hemp":**

235 (a) **All nonseed parts and varieties of the cannabis sativa plant,**
236 **growing or not, that contain a cropwide average tetrahydrocannabinol**
237 **(THC) concentration that does not exceed three-tenths of one percent**
238 **on a dry weight basis; or**

239 (b) **Any cannabis sativa seed that is part of a growing crop,**
240 **retained by a grower for future planting, or used for processing into or**
241 **use as agricultural hemp seed.**

242 **Industrial hemp does not include industrial hemp commodities and**
243 **products;**

244 (23) "Laboratory", a laboratory approved by the department of health and
245 senior services as proper to be entrusted with the custody of controlled substances
246 but does not include a pharmacist who compounds controlled substances to be
247 sold or dispensed on prescriptions;

248 [(23)] (24) "Manufacture", the production, preparation, propagation,
249 compounding or processing of drug paraphernalia or of a controlled substance, or
250 an imitation controlled substance, either directly or by extraction from substances

251 of natural origin, or independently by means of chemical synthesis, or by a
252 combination of extraction and chemical synthesis, and includes any packaging or
253 repackaging of the substance or labeling or relabeling of its container. This term
254 does not include the preparation or compounding of a controlled substance or an
255 imitation controlled substance or the preparation, compounding, packaging or
256 labeling of a narcotic or dangerous drug:

257 (a) By a practitioner as an incident to his administering or dispensing of
258 a controlled substance or an imitation controlled substance in the course of his
259 professional practice, or

260 (b) By a practitioner or his authorized agent under his supervision, for the
261 purpose of, or as an incident to, research, teaching or chemical analysis and not
262 for sale;

263 [(24)] **(25)** "Marijuana", all parts of the plant genus Cannabis in any
264 species or form thereof, including, but not limited to Cannabis Sativa L., **except**
265 **industrial hemp as defined in this section**, Cannabis Indica, Cannabis
266 Americana, Cannabis Ruderalis, and Cannabis Gigantea, whether growing or not,
267 the seeds thereof, the resin extracted from any part of the plant; and every
268 compound, manufacture, salt, derivative, mixture, or preparation of the plant, its
269 seeds or resin. It does not include the mature stalks of the plant, fiber produced
270 from the stalks, oil or cake made from the seeds of the plant, any other
271 compound, manufacture, salt, derivative, mixture or preparation of the mature
272 stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized
273 seed of the plant which is incapable of germination;

274 [(25)] **(26)** "Methamphetamine precursor drug", any drug containing
275 ephedrine, pseudoephedrine, phenylpropanolamine, or any of their salts, optical
276 isomers, or salts of optical isomers;

277 [(26)] **(27)** "Narcotic drug", any of the following, whether produced
278 directly or indirectly by extraction from substances of vegetable origin, or
279 independently by means of chemical synthesis, or by a combination of extraction
280 and chemical analysis:

281 (a) Opium, opiate, and any derivative, of opium or opiate, including their
282 isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever
283 the existence of the isomers, esters, ethers, and salts is possible within the
284 specific chemical designation. The term does not include the isoquinoline
285 alkaloids of opium;

286 (b) Coca leaves, but not including extracts of coca leaves from which

287 cocaine, ecgonine, and derivatives of ecgonine or their salts have been removed;
288 (c) Cocaine or any salt, isomer, or salt of isomer thereof;
289 (d) Ecgonine, or any derivative, salt, isomer, or salt of isomer thereof;
290 (e) Any compound, mixture, or preparation containing any quantity of any
291 substance referred to in paragraphs (a) to (d) of this subdivision;
292 [(27)] **(28)** "Official written order", an order written on a form provided
293 for that purpose by the United States Commissioner of Narcotics, under any laws
294 of the United States making provision therefor, if such order forms are authorized
295 and required by federal law, and if no such order form is provided, then on an
296 official form provided for that purpose by the department of health and senior
297 services;
298 [(28)] **(29)** "Opiate", any substance having an addiction-forming or
299 addiction-sustaining liability similar to morphine or being capable of conversion
300 into a drug having addiction-forming or addiction-sustaining liability. The term
301 includes its racemic and levorotatory forms. It does not include, unless
302 specifically controlled under section 195.017, the dextrorotatory isomer of
303 3-methoxy-n-methyl-morphinan and its salts (dextromethorphan);
304 [(29)] **(30)** "Opium poppy", the plant of the species *Papaver somniferum*
305 L., except its seeds;
306 [(30)] **(31)** "Over-the-counter sale", a retail sale licensed pursuant to
307 chapter 144 of a drug other than a controlled substance;
308 [(31)] **(32)** "Person", an individual, corporation, government or
309 governmental subdivision or agency, business trust, estate, trust, partnership,
310 joint venture, association, or any other legal or commercial entity;
311 [(32)] **(33)** "Pharmacist", a licensed pharmacist as defined by the laws of
312 this state, and where the context so requires, the owner of a store or other place
313 of business where controlled substances are compounded or dispensed by a
314 licensed pharmacist; but nothing in sections 195.005 to 195.425 shall be construed
315 as conferring on a person who is not registered nor licensed as a pharmacist any
316 authority, right or privilege that is not granted to him by the pharmacy laws of
317 this state;
318 [(33)] **(34)** "Poppy straw", all parts, except the seeds, of the opium poppy,
319 after mowing;
320 [(34)] **(35)** "Possessed" or "possessing a controlled substance", a person,
321 with the knowledge of the presence and nature of a substance, has actual or
322 constructive possession of the substance. A person has actual possession if he has

323 the substance on his person or within easy reach and convenient control. A
324 person who, although not in actual possession, has the power and the intention
325 at a given time to exercise dominion or control over the substance either directly
326 or through another person or persons is in constructive possession of
327 it. Possession may also be sole or joint. If one person alone has possession of a
328 substance possession is sole. If two or more persons share possession of a
329 substance, possession is joint;

330 [(35)] **(36)** "Practitioner", a physician, dentist, optometrist, podiatrist,
331 veterinarian, scientific investigator, pharmacy, hospital or other person licensed,
332 registered or otherwise permitted by this state to distribute, dispense, conduct
333 research with respect to or administer or to use in teaching or chemical analysis,
334 a controlled substance in the course of professional practice or research in this
335 state, or a pharmacy, hospital or other institution licensed, registered, or
336 otherwise permitted to distribute, dispense, conduct research with respect to or
337 administer a controlled substance in the course of professional practice or
338 research;

339 [(36)] **(37)** "Production", includes the manufacture, planting, cultivation,
340 growing, or harvesting of drug paraphernalia or of a controlled substance or an
341 imitation controlled substance;

342 [(37)] **(38)** "Registry number", the number assigned to each person
343 registered under the federal controlled substances laws;

344 [(38)] **(39)** "Sale", includes barter, exchange, or gift, or offer therefor, and
345 each such transaction made by any person, whether as principal, proprietor,
346 agent, servant or employee;

347 [(39)] **(40)** "State" when applied to a part of the United States, includes
348 any state, district, commonwealth, territory, insular possession thereof, and any
349 area subject to the legal authority of the United States of America;

350 [(40)] **(41)** "Synthetic cannabinoid", includes unless specifically excepted
351 or unless listed in another schedule, any natural or synthetic material, compound,
352 mixture, or preparation that contains any quantity of a substance that is a
353 cannabinoid receptor agonist, including but not limited to any substance listed
354 in paragraph (11) of subdivision (4) of subsection 2 of section 195.017 and any
355 analogues, homologues; isomers, whether optical, positional, or geometric; esters;
356 ethers; salts; and salts of isomers, esters, and ethers, whenever the existence of
357 the isomers, esters, ethers, or salts is possible within the specific chemical
358 designation, however, it shall not include any approved pharmaceutical

359 authorized by the United States Food and Drug Administration;

360 [(41)] **(42)** "Ultimate user", a person who lawfully possesses a controlled
361 substance or an imitation controlled substance for his own use or for the use of
362 a member of his household or for administering to an animal owned by him or by
363 a member of his household;

364 [(42)] **(43)** "Wholesaler", a person who supplies drug paraphernalia or
365 controlled substances or imitation controlled substances that he himself has not
366 produced or prepared, on official written orders, but not on prescriptions.

195.017. 1. The department of health and senior services shall place a
2 substance in Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or
5 lacks accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in
8 Schedule I;

9 (2) Any of the following opiates, including their isomers, esters, ethers,
10 salts, and salts of isomers, esters, and ethers, unless specifically excepted,
11 whenever the existence of these isomers, esters, ethers and salts is possible
12 within the specific chemical designation:

13 (a) Acetyl-alpha-methylfentanyl;

14 (b) Acetylmethadol;

15 (c) Allylprodine;

16 (d) Alphacetylmethadol;

17 (e) Alphameprodine;

18 (f) Alphamethadol;

19 (g) Alpha-methylfentanyl;

20 (h) Alpha-methylthiofentanyl;

21 (i) Benzethidine;

22 (j) Betacetylmethadol;

23 (k) Beta-hydroxyfentanyl;

24 (l) Beta-hydroxy-3-methylfentanyl;

25 (m) Betameprodine;

26 (n) Betamethadol;

27 (o) Betaprodine;

28 (p) Clonitazene;

- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxeridine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;
- 45 (gg) Levophenacylmorphane;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;

- 65 (aaa) Thiofentanyl;
66 (bbb) Tilidine;
67 (ccc) Trimeperidine;
68 (3) Any of the following opium derivatives, their salts, isomers and salts
69 of isomers unless specifically excepted, whenever the existence of these salts,
70 isomers and salts of isomers is possible within the specific chemical designation:
71 (a) Acetorphine;
72 (b) Acetyldihydrocodeine;
73 (c) Benzylmorphine;
74 (d) Codeine methylbromide;
75 (e) Codeine-N-Oxide;
76 (f) Cyprenorphine;
77 (g) Desomorphine;
78 (h) Dihydromorphine;
79 (i) Drotebanol;
80 (j) Etorphine (except hydrochloride salt);
81 (k) Heroin;
82 (l) Hydromorphenol;
83 (m) Methyldesorphine;
84 (n) Methyldihydromorphine;
85 (o) Morphine methylbromide;
86 (p) Morphine methylsulfonate;
87 (q) Morphine-N-Oxide;
88 (r) Myrophine;
89 (s) Nicocodeine;
90 (t) Nicomorphine;
91 (u) Normorphine;
92 (v) Pholcodine;
93 (w) Thebacon;
94 (4) Any material, compound, mixture or preparation which contains any
95 quantity of the following hallucinogenic substances, their salts, isomers and salts
96 of isomers, unless specifically excepted, whenever the existence of these salts,
97 isomers, and salts of isomers is possible within the specific chemical designation:
98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
100 (c) 2,5-dimethoxyamphetamine;

- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts,
112 and salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;
- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp as defined in**
122 **section 195.010**;
- 123 (x) Mescaline;
- 124 (y) Parahexyl;
- 125 (z) Peyote, to include all parts of the plant presently classified botanically
126 as Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any
127 extract from any part of such plant; and every compound, manufacture, salt,
128 derivative, mixture or preparation of the plant, its seed or extracts;
- 129 (aa) N-ethyl-3-piperidyl benzilate;
- 130 (bb) N-methyl-3-piperidyl benzilate;
- 131 (cc) Psilocybin;
- 132 (dd) Psilocyn;
- 133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
134 Cannabis (cannabis plant), **except industrial hemp as defined in section**
135 **195.010**, as well as synthetic equivalents of the substances contained in the
136 cannabis plant, or in the resinous extractives of such plant, or synthetic

137 substances, derivatives, and their isomers with similar chemical structure and
138 pharmacological activity to those substances contained in the plant, such as the
139 following:

- 140 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 143 d. Any compounds of these structures, regardless of numerical designation
144 of atomic positions covered;

145 (ff) Ethylamine analog of phencyclidine;

146 (gg) Pyrrolidine analog of phencyclidine;

147 (hh) Thiophene analog of phencyclidine;

148 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;

149 (jj) *Salvia divinorum*;

150 (kk) Salvinorin A;

151 (ll) Synthetic cannabinoids:

- 152 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
153 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the
154 indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
155 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not
156 further substituted in the indole ring to any extent, whether or not substituted
157 in the naphthyl ring to any extent. Including, but not limited to:

158 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;

159 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;

160 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;

161 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;

162 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;

163 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;

164 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;

165 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;

166 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;

167 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;

168 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;

169 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

- 170 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
171 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
172 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or

173 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole
174 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

175 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene
176 by substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
177 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
178 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene
179 ring to any extent, whether or not substituted in the naphthyl ring to any extent;

180 d. Any compound structurally derived from 3-phenylacetylindole by
181 substitution at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl,
182 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
183 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
184 ring to any extent, whether or not substituted in the phenyl ring to any
185 extent. Including, but not limited to:

186 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;

187 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;

188 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;

189 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;

190 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

191 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol
192 by substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
193 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
194 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring
195 to any extent. Including, but not limited to:

196 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
197 (2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side
198 chain n=4,6, or 7;

199 f. Any compound containing a 3-(benzoyl)indole structure with
200 substitution at the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl,
201 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
202 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indole
203 ring to any extent and whether or not substituted in the phenyl ring to any
204 extent. Including, but not limited to:

205 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

206 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

207 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-
208 phenylpentan-2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

- 209 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
210 6a,7,10,10 a-tetrahydrobenzo[c]chromen-1-ol;
- 211 i. HU-211, or Dexanabinol,(6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
212 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;
- 213 j. CP 50,556-1, or[(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-
214 2-yl] oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;
- 215 k. Dimethylheptylpyran, or DMHP;
- 216 (5) Any material, compound, mixture or preparation containing any quantity of
217 the following substances having a depressant effect on the central nervous system,
218 including their salts, isomers and salts of isomers whenever the existence of these salts,
219 isomers and salts of isomers is possible within the specific chemical designation:
- 220 (a) Gamma-hydroxybutyric acid;
- 221 (b) Mecloqualone;
- 222 (c) Methaqualone;
- 223 (6) Any material, compound, mixture or preparation containing any quantity of
224 the following substances having a stimulant effect on the central nervous system,
225 including their salts, isomers and salts of isomers:
- 226 (a) Aminorex;
- 227 (b) N-benzylpiperazine;
- 228 (c) Cathinone;
- 229 (d) Fenethylamine;
- 230 (e) 3-Fluoromethcathinone;
- 231 (f) 4-Fluoromethcathinone;
- 232 (g) Mephedrone, or 4-methylmethcathinone;
- 233 (h) Methcathinone;
- 234 (i) 4-methoxymethcathinone;
- 235 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
236 oxazoline);
- 237 (k) M e t h y l e n e d i o x y p y r o v a l e r o n e , M D P V , o r
238 (1-(1,3-Benzodioxol-5-yl)-2-(1-pyrrolidinyl)-1-pentanone;
- 239 (l) Methylone, or 3,4-Methylenedioxymethcathinone;
- 240 (m) 4-Methyl-alpha-pyrrolidinobutiophenone, or MPBP;
- 241 (n) N-ethylamphetamine;
- 242 (o) N,N-dimethylamphetamine;
- 243 (7) A temporary listing of substances subject to emergency scheduling under
244 federal law shall include any material, compound, mixture or preparation which contains

245 any quantity of the following substances:

246 (a) N-(1-benzyl-4-piperidyl)-N phenylpropanamide (benzylfentanyl), its optical
247 isomers, salts and salts of isomers;

248 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thenylfentanyl),
249 its optical isomers, salts and salts of isomers;

250 (8) Khat, to include all parts of the plant presently classified botanically as catha
251 edulis, whether growing or not; the seeds thereof; any extract from any part of such
252 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the
253 plant, its seed or extracts.

254 3. The department of health and senior services shall place a substance in
255 Schedule II if it finds that:

256 (1) The substance has high potential for abuse;

257 (2) The substance has currently accepted medical use in treatment in the
258 United States, or currently accepted medical use with severe restrictions; and

259 (3) The abuse of the substance may lead to severe psychic or physical
260 dependence.

261 4. The controlled substances listed in this subsection are included in Schedule
262 II:

263 (1) Any of the following substances whether produced directly or indirectly by
264 extraction from substances of vegetable origin, or independently by means of chemical
265 synthesis, or by combination of extraction and chemical synthesis:

266 (a) Opium and opiate and any salt, compound, derivative or preparation of
267 opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan,
268 nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including
269 the following:

270 a. Raw opium;

271 b. Opium extracts;

272 c. Opium fluid;

273 d. Powdered opium;

274 e. Granulated opium;

275 f. Tincture of opium;

276 g. Codeine;

277 h. Ethylmorphine;

278 i. Etorphine hydrochloride;

279 j. Hydrocodone;

280 k. Hydromorphone;

- 281 l. Metopon;
282 m. Morphine;
283 n. Oxycodone;
284 o. Oxymorphone;
285 p. Thebaine;
286 (b) Any salt, compound, derivative, or preparation thereof which is chemically
287 equivalent or identical with any of the substances referred to in this subdivision, but not
288 including the isoquinoline alkaloids of opium;
289 (c) Opium poppy and poppy straw;
290 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
291 leaves, and any salt, compound, derivative, or preparation thereof which is chemically
292 equivalent or identical with any of these substances, but not including decocainized coca
293 leaves or extractions which do not contain cocaine or ecgonine;
294 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
295 liquid, solid or powder form which contains the phenanthrene alkaloids of the opium
296 poppy);
297 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
298 salts of isomers, whenever the existence of these isomers, esters, ethers and salts is
299 possible within the specific chemical designation, dextrophan and levopropoxyphene
300 excepted:
301 (a) Alfentanil;
302 (b) Alphaprodine;
303 (c) Anileridine;
304 (d) Bezitramide;
305 (e) Bulk dextropropoxyphene;
306 (f) Carfentanil;
307 (g) Dihydrocodeine;
308 (h) Diphenoxylate;
309 (i) Fentanyl;
310 (j) Isomethadone;
311 (k) Levo-alphacetylmethadol;
312 (l) Levomethorphan;
313 (m) Levorphanol;
314 (n) Metazocine;
315 (o) Methadone;
316 (p) Meperidine;

- 317 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
318 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
319 [1-diphenylpropane--carboxylic acid] **1-diphenylpropane-carboxylic acid**;
320 (s) Pethidine (meperidine);
321 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
322 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
323 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
324 (w) Phenazocine;
325 (x) Piminodine;
326 (y) Racemethorphan;
327 (z) Racemorphan;
328 (aa) Remifentanil;
329 (bb) Sufentanil;
330 (cc) Tapentadol;
331 (3) Any material, compound, mixture, or preparation which contains any
332 quantity of the following substances having a stimulant effect on the central nervous
333 system:
334 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
335 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;
336 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
337 (d) Phenmetrazine and its salts;
338 (e) Methylphenidate;
339 (4) Any material, compound, mixture, or preparation which contains any
340 quantity of the following substances having a depressant effect on the central nervous
341 system, including its salts, isomers, and salts of isomers whenever the existence of those
342 salts, isomers, and salts of isomers is possible within the specific chemical designation:
343 (a) Amobarbital;
344 (b) Glutethimide;
345 (c) Pentobarbital;
346 (d) Phencyclidine;
347 (e) Secobarbital;
348 (5) Any material or compound which contains any quantity of nabilone;
349 (6) Any material, compound, mixture, or preparation which contains any
350 quantity of the following substances:
351 (a) Immediate precursor to amphetamine and methamphetamine:
352 Phenylacetone;

353 (b) Immediate precursors to phencyclidine (PCP):

354 a. 1-phenylcyclohexylamine;

355 b. 1-piperidinocyclohexanecarbonitrile (PCC);

356 (7) Any material, compound, mixture, or preparation which contains any
357 quantity of the following alkyl nitrites:

358 (a) Amyl nitrite;

359 (b) Butyl nitrite.

360 5. The department of health and senior services shall place a substance in
361 Schedule III if it finds that:

362 (1) The substance has a potential for abuse less than the substances listed in
363 Schedules I and II;

364 (2) The substance has currently accepted medical use in treatment in the
365 United States; and

366 (3) Abuse of the substance may lead to moderate or low physical dependence or
367 high psychological dependence.

368 6. The controlled substances listed in this subsection are included in Schedule
369 III:

370 (1) Any material, compound, mixture, or preparation which contains any
371 quantity of the following substances having a potential for abuse associated with a
372 stimulant effect on the central nervous system:

373 (a) Benzphetamine;

374 (b) Chlorphentermine;

375 (c) Clortermine;

376 (d) Phendimetrazine;

377 (2) Any material, compound, mixture or preparation which contains any
378 quantity or salt of the following substances or salts having a depressant effect on the
379 central nervous system:

380 (a) Any material, compound, mixture or preparation which contains any
381 quantity or salt of the following substances combined with one or more active medicinal
382 ingredients:

383 a. Amobarbital;

384 b. Secobarbital;

385 c. Pentobarbital;

386 (b) Any suppository dosage form containing any quantity or salt of the following:

387 a. Amobarbital;

388 b. Secobarbital;

- 389 c. Pentobarbital;
- 390 (c) Any substance which contains any quantity of a derivative of barbituric acid
- 391 or its salt;
- 392 (d) Chlorhexadol;
- 393 (e) Embutramide;
- 394 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
- 395 contained in a drug product for which an application has been approved under Section
- 396 505 of the federal Food, Drug, and Cosmetic Act;
- 397 (g) Ketamine, its salts, isomers, and salts of isomers;
- 398 (h) Lysergic acid;
- 399 (i) Lysergic acid amide;
- 400 (j) Methypylon;
- 401 (k) Sulfondiethylmethane;
- 402 (l) Sulfonethylmethane;
- 403 (m) Sulfonmethane;
- 404 (n) Tiletamine and zolazepam or any salt thereof;
- 405 (3) Nalorphine;
- 406 (4) Any material, compound, mixture, or preparation containing limited
- 407 quantities of any of the following narcotic drugs or their salts:
- 408 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more
- 409 than ninety milligrams per dosage unit, with an equal or greater quantity of an
- 410 isoquinoline alkaloid of opium;
- 411 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more
- 412 than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients
- 413 in recognized therapeutic amounts;
- 414 (c) Not more than three hundred milligrams of hydrocodone per one hundred
- 415 milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater
- 416 quantity of an isoquinoline alkaloid of opium;
- 417 (d) Not more than three hundred milligrams of hydrocodone per one hundred
- 418 milliliters or not more than fifteen milligrams per dosage unit, with one or more active
- 419 nonnarcotic ingredients in recognized therapeutic amounts;
- 420 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not
- 421 more than ninety milligrams per dosage unit, with one or more active nonnarcotic
- 422 ingredients in recognized therapeutic amounts;
- 423 (f) Not more than three hundred milligrams of ethylmorphine per one hundred
- 424 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,

425 nonnarcotic ingredients in recognized therapeutic amounts;

426 (g) Not more than five hundred milligrams of opium per one hundred milliliters
427 or per one hundred grams or not more than twenty-five milligrams per dosage unit, with
428 one or more active nonnarcotic ingredients in recognized therapeutic amounts;

429 (h) Not more than fifty milligrams of morphine per one hundred milliliters or
430 per one hundred grams, with one or more active, nonnarcotic ingredients in recognized
431 therapeutic amounts;

432 (5) Any material, compound, mixture, or preparation containing any of the
433 following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection;
434 buprenorphine;

435 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
436 pharmacologically related to testosterone (other than estrogens, progestins,
437 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an
438 anabolic steroid which is expressly intended for administration through implants to
439 cattle or other nonhuman species and which has been approved by the Secretary of
440 Health and Human Services for that administration. If any person prescribes, dispenses,
441 or distributes such steroid for human use, such person shall be considered to have
442 prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
443 subdivision. Unless specifically excepted or unless listed in another schedule, any
444 material, compound, mixture or preparation containing any quantity of the following
445 substances, including its salts, esters and ethers:

- 446 (a) 3 β ,17-dihydroxy-5 α -androstane;
447 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
448 (c) 5 α -androstan-3,17-dione;
449 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
450 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
451 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
452 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
453 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
454 (i) 4-androstenedione (androst-4-en-3,17-dione);
455 (j) 5-androstenedione (androst-5-en-3,17-dione);
456 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
457 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
458 (m) Boldione;
459 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
460 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);

- 461 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,
462 4-dien-3-one);
- 463 (q) Desoxymethyltestosterone;
- 464 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1
465 -en-3-one);
- 466 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 467 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 468 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 469 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 470 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 471 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostan-2,3-c-furazan);
- 472 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 473 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 474 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 475 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 476 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 477 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 478 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 479 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);
- 480 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
- 481 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
- 482 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
- 483 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-
484 3-one);
- 485 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
- 486 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
- 487 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
- 488 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
- 489 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-
490 en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
- 491 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
- 492 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
- 493 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
- 494 (ss) 19-nor-4,9(10)-androstadienedione;
- 495 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
- 496 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);

- 497 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
498 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
499 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
500 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
501 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
502 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
503 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
504 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
505 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
506 androstan-3-one);
507 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
508 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
509 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
510 lactone);
511 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
512 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
513 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
514 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
515 subdivision, except an anabolic steroid which is expressly intended for administration
516 through implants to cattle or other nonhuman species and which has been approved by
517 the Secretary of Health and Human Services for that administration;
518 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
519 capsule in a United States Food and Drug Administration approved drug product;
520 (8) The department of health and senior services may except by rule any
521 compound, mixture, or preparation containing any stimulant or depressant substance
522 listed in subdivisions (1) and (2) of this subsection from the application of all or any part
523 of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or
524 more active medicinal ingredients not having a stimulant or depressant effect on the
525 central nervous system, and if the admixtures are included therein in combinations,
526 quantity, proportion, or concentration that vitiate the potential for abuse of the
527 substances which have a stimulant or depressant effect on the central nervous system.
528 7. The department of health and senior services shall place a substance in
529 Schedule IV if it finds that:
530 (1) The substance has a low potential for abuse relative to substances in
531 Schedule III;
532 (2) The substance has currently accepted medical use in treatment in the

533 United States; and

534 (3) Abuse of the substance may lead to limited physical dependence or
535 psychological dependence relative to the substances in Schedule III.

536 8. The controlled substances listed in this subsection are included in Schedule
537 IV:

538 (1) Any material, compound, mixture, or preparation containing any of the
539 following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid,
540 in limited quantities as set forth below:

541 (a) Not more than one milligram of difenoxin and not less than twenty-five
542 micrograms of atropine sulfate per dosage unit;

543 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
544 propionoxybutane);

545 (c) Any of the following limited quantities of narcotic drugs or their salts, which
546 shall include one or more nonnarcotic active medicinal ingredients in sufficient
547 proportion to confer upon the compound, mixture or preparation valuable medicinal
548 qualities other than those possessed by the narcotic drug alone:

549 a. Not more than two hundred milligrams of codeine per one hundred milliliters
550 or per one hundred grams;

551 b. Not more than one hundred milligrams of dihydrocodeine per one hundred
552 milliliters or per one hundred grams;

553 c. Not more than one hundred milligrams of ethylmorphine per one hundred
554 milliliters or per one hundred grams;

555 (2) Any material, compound, mixture or preparation containing any quantity of
556 the following substances, including their salts, isomers, and salts of isomers whenever
557 the existence of those salts, isomers, and salts of isomers is possible within the specific
558 chemical designation:

559 (a) Alprazolam;

560 (b) Barbitol;

561 (c) Bromazepam;

562 (d) Camazepam;

563 (e) Chloral betaine;

564 (f) Chloral hydrate;

565 (g) Chlordiazepoxide;

566 (h) Clobazam;

567 (i) Clonazepam;

568 (j) Clorazepate;

- 569 (k) Clotiazepam;
570 (l) Cloxazolam;
571 (m) Delorazepam;
572 (n) Diazepam;
573 (o) Dichloralphenazone;
574 (p) Estazolam;
575 (q) Ethchlorvynol;
576 (r) Ethinamate;
577 (s) Ethyl loflazepate;
578 (t) Fludiazepam;
579 (u) Flunitrazepam;
580 (v) Flurazepam;
581 (w) Fospropofol;
582 (x) Halazepam;
583 (y) Haloxazolam;
584 (z) Ketazolam;
585 (aa) Loprazolam;
586 (bb) Lorazepam;
587 (cc) Lormetazepam;
588 (dd) Mebutamate;
589 (ee) Medazepam;
590 (ff) Meprobamate;
591 (gg) Methohexital;
592 (hh) Methylphenobarbital (mephobarbital);
593 (ii) Midazolam;
594 (jj) Nimetazepam;
595 (kk) Nitrazepam;
596 (ll) Nordiazepam;
597 (mm) Oxazepam;
598 (nn) Oxazolam;
599 (oo) Paraldehyde;
600 (pp) Petrichloral;
601 (qq) Phenobarbital;
602 (rr) Pinazepam;
603 (ss) Prazepam;
604 (tt) Quazepam;

605 (uu) Temazepam;

606 (vv) Tetrazepam;

607 (ww) Triazolam;

608 (xx) Zaleplon;

609 (yy) Zolpidem;

610 (zz) Zopiclone;

611 (3) Any material, compound, mixture, or preparation which contains any
612 quantity of the following substance including its salts, isomers and salts of isomers
613 whenever the existence of such salts, isomers and salts of isomers is possible:
614 fenfluramine;

615 (4) Any material, compound, mixture or preparation containing any quantity of
616 the following substances having a stimulant effect on the central nervous system,
617 including their salts, isomers and salts of isomers:

618 (a) Cathine ((+)-norpseudoephedrine);

619 (b) Diethylpropion;

620 (c) Fencamfamin;

621 (d) Fenproporex;

622 (e) Mazindol;

623 (f) Mefenorex;

624 (g) Modafinil;

625 (h) Pemoline, including organometallic complexes and chelates thereof;

626 (i) Phentermine;

627 (j) Pipradrol;

628 (k) Sibutramine;

629 (l) SPA ((-)-1-dimethyamino-1,2-diphenylethane);

630 (5) Any material, compound, mixture or preparation containing any quantity of
631 the following substance, including its salts:

632 (a) butorphanol;

633 (b) pentazocine;

634 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
635 substance is the only active medicinal ingredient;

636 (7) The department of health and senior services may except by rule any
637 compound, mixture, or preparation containing any depressant substance listed in
638 subdivision (1) of this subsection from the application of all or any part of sections
639 195.010 to 195.320 and sections 579.015 to 579.086 if the compound, mixture, or
640 preparation contains one or more active medicinal ingredients not having a depressant

641 effect on the central nervous system, and if the admixtures are included therein in
642 combinations, quantity, proportion, or concentration that vitiate the potential for abuse
643 of the substances which have a depressant effect on the central nervous system.

644 9. The department of health and senior services shall place a substance in
645 Schedule V if it finds that:

646 (1) The substance has low potential for abuse relative to the controlled
647 substances listed in Schedule IV;

648 (2) The substance has currently accepted medical use in treatment in the
649 United States; and

650 (3) The substance has limited physical dependence or psychological dependence
651 liability relative to the controlled substances listed in Schedule IV.

652 10. The controlled substances listed in this subsection are included in Schedule
653 V:

654 (1) Any compound, mixture or preparation containing any of the following
655 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited
656 quantities as set forth below, which also contains one or more nonnarcotic active
657 medicinal ingredients in sufficient proportion to confer upon the compound, mixture or
658 preparation valuable medicinal qualities other than those possessed by the narcotic drug
659 alone:

660 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less
661 than twenty-five micrograms of atropine sulfate per dosage unit;

662 (b) Not more than one hundred milligrams of opium per one hundred milliliters
663 or per one hundred grams;

664 (c) Not more than five-tenths milligram of difenoxin and not less than
665 twenty-five micrograms of atropine sulfate per dosage unit;

666 (2) Any material, compound, mixture or preparation which contains any
667 quantity of the following substance having a stimulant effect on the central nervous
668 system including its salts, isomers and salts of isomers: pyrovalerone;

669 (3) Any compound, mixture, or preparation containing any detectable quantity
670 of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any
671 compound, mixture, or preparation containing any detectable quantity of ephedrine or
672 its salts or optical isomers, or salts of optical isomers;

673 (4) Unless specifically exempted or excluded or unless listed in another
674 schedule, any material, compound, mixture, or preparation which contains any quantity
675 of the following substances having a depressant effect on the central nervous system,
676 including its salts:

677 (a) Lacosamide;

678 (b) Pregabalin.

679 11. If any compound, mixture, or preparation as specified in subdivision (3) of
680 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
681 prescription:

682 (1) All packages of any compound, mixture, or preparation containing any
683 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical
684 isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be
685 offered for sale only from behind a pharmacy counter where the public is not permitted,
686 and only by a registered pharmacist or registered pharmacy technician; and

687 (2) Any person purchasing, receiving or otherwise acquiring any compound,
688 mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts
689 or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers,
690 or salts of optical isomers shall be at least eighteen years of age; and

691 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall
692 require any person, prior to such person's purchasing, receiving or otherwise acquiring
693 such compound, mixture, or preparation to furnish suitable photo identification that is
694 issued by a state or the federal government or a document that, with respect to
695 identification, is considered acceptable and showing the date of birth of the person;

696 (4) The seller shall deliver the product directly into the custody of the
697 purchaser.

698 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall
699 implement and maintain an electronic log of each transaction. Such log shall include
700 the following information:

701 (1) The name, address, and signature of the purchaser;

702 (2) The amount of the compound, mixture, or preparation purchased;

703 (3) The date and time of each purchase; and

704 (4) The name or initials of the pharmacist, intern pharmacist, or registered
705 pharmacy technician who dispensed the compound, mixture, or preparation to the
706 purchaser.

707 13. Each pharmacy shall submit information regarding sales of any compound,
708 mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in
709 accordance with transmission methods and frequency established by the department by
710 regulation.

711 14. No person shall dispense, sell, purchase, receive, or otherwise acquire
712 quantities greater than those specified in this chapter.

713 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine
714 products in a pharmacy shall ensure that all such products are located only behind a
715 pharmacy counter where the public is not permitted.

716 16. The penalties for a knowing or reckless violation of the provisions of
717 subsections 11 to 15 of this section are found in section 579.060.

718 17. The scheduling of substances specified in subdivision (3) of subsection 10 of
719 this section and subsections 11, 12, 14, and 15 of this section shall not apply to any
720 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form
721 or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10
722 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to
723 a prescription.

724 18. The manufacturer of a drug product or another interested party may apply
725 with the department of health and senior services for an exemption from this
726 section. The department of health and senior services may grant an exemption by rule
727 from this section if the department finds the drug product is not used in the illegal
728 manufacture of methamphetamine or other controlled or dangerous substances. The
729 department of health and senior services shall rely on reports from law enforcement and
730 law enforcement evidentiary laboratories in determining if the proposed product can be
731 used to manufacture illicit controlled substances.

732 19. The department of health and senior services shall revise and republish the
733 schedules annually.

734 20. The department of health and senior services shall promulgate rules under
735 chapter 536 regarding the security and storage of Schedule V controlled substances, as
736 described in subdivision (3) of subsection 10 of this section, for distributors as registered
737 by the department of health and senior services.

738 21. Logs of transactions required to be kept and maintained by this section and
739 section 195.417 shall create a rebuttable presumption that the person whose name
740 appears in the logs is the person whose transactions are recorded in the logs.

 195.017. 1. The department of health and senior services shall place a
2 substance in Schedule I if it finds that the substance:

3 (1) Has high potential for abuse; and

4 (2) Has no accepted medical use in treatment in the United States or lacks
5 accepted safety for use in treatment under medical supervision.

6 2. Schedule I:

7 (1) The controlled substances listed in this subsection are included in Schedule
8 I;

9 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
10 salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence
11 of these isomers, esters, ethers and salts is possible within the specific chemical
12 designation:

- 13 (a) Acetyl-alpha-methylfentanyl;
- 14 (b) Acetylmethadol;
- 15 (c) Allylprodine;
- 16 (d) Alphacetylmethadol;
- 17 (e) Alphameprodine;
- 18 (f) Alphamethadol;
- 19 (g) Alpha-methylfentanyl;
- 20 (h) Alpha-methylthiofentanyl;
- 21 (i) Benzethidine;
- 22 (j) Betacetylmethadol;
- 23 (k) Beta-hydroxyfentanyl;
- 24 (l) Beta-hydroxy-3-methylfentanyl;
- 25 (m) Betameprodine;
- 26 (n) Betamethadol;
- 27 (o) Betaprodine;
- 28 (p) Clonitazene;
- 29 (q) Dextromoramide;
- 30 (r) Diampromide;
- 31 (s) Diethylthiambutene;
- 32 (t) Difenoxin;
- 33 (u) Dimenoxadol;
- 34 (v) Dimepheptanol;
- 35 (w) Dimethylthiambutene;
- 36 (x) Dioxaphetyl butyrate;
- 37 (y) Dipipanone;
- 38 (z) Ethylmethylthiambutene;
- 39 (aa) Etonitazene;
- 40 (bb) Etoxidine;
- 41 (cc) Furethidine;
- 42 (dd) Hydroxypethidine;
- 43 (ee) Ketobemidone;
- 44 (ff) Levomoramide;

- 45 (gg) Levophenacymorphan;
- 46 (hh) 3-Methylfentanyl;
- 47 (ii) 3-Methylthiofentanyl;
- 48 (jj) Morpheridine;
- 49 (kk) MPPP;
- 50 (ll) Noracymethadol;
- 51 (mm) Norlevorphanol;
- 52 (nn) Normethadone;
- 53 (oo) Norpipanone;
- 54 (pp) Para-fluorofentanyl;
- 55 (qq) PEPAP;
- 56 (rr) Phenadoxone;
- 57 (ss) Phenampromide;
- 58 (tt) Phenomorphan;
- 59 (uu) Phenoperidine;
- 60 (vv) Piritramide;
- 61 (ww) Proheptazine;
- 62 (xx) Properidine;
- 63 (yy) Propiram;
- 64 (zz) Racemoramide;
- 65 (aaa) Thiofentanyl;
- 66 (bbb) Tilidine;
- 67 (ccc) Trimeperidine;

68 (3) Any of the following opium derivatives, their salts, isomers and salts of
69 isomers unless specifically excepted, whenever the existence of these salts, isomers and
70 salts of isomers is possible within the specific chemical designation:

- 71 (a) Acetorphine;
- 72 (b) Acetyldihydrocodeine;
- 73 (c) Benzylmorphine;
- 74 (d) Codeine methylbromide;
- 75 (e) Codeine-N-Oxide;
- 76 (f) Cyprenorphine;
- 77 (g) Desomorphine;
- 78 (h) Dihydromorphine;
- 79 (i) Drotebanol;
- 80 (j) Etorphine (except hydrochloride salt);

- 81 (k) Heroin;
- 82 (l) Hydromorphenol;
- 83 (m) Methyldesorphine;
- 84 (n) Methyldihydromorphine;
- 85 (o) Morphine methylbromide;
- 86 (p) Morphine methylsulfonate;
- 87 (q) Morphine-N-Oxide;
- 88 (r) Myrophine;
- 89 (s) Nicocodeine;
- 90 (t) Nicomorphine;
- 91 (u) Normorphine;
- 92 (v) Pholcodine;
- 93 (w) Thebacon;
- 94 (4) Any material, compound, mixture or preparation which contains any
- 95 quantity of the following hallucinogenic substances, their salts, isomers and salts of
- 96 isomers, unless specifically excepted, whenever the existence of these salts, isomers, and
- 97 salts of isomers is possible within the specific chemical designation:
- 98 (a) 4-bromo-2, 5-dimethoxyamphetamine;
- 99 (b) 4-bromo-2, 5-dimethoxyphenethylamine;
- 100 (c) 2,5-dimethoxyamphetamine;
- 101 (d) 2,5-dimethoxy-4-ethylamphetamine;
- 102 (e) 2,5-dimethoxy-4-(n)-propylthiophenethylamine;
- 103 (f) 4-methoxyamphetamine;
- 104 (g) 5-methoxy-3,4-methylenedioxyamphetamine;
- 105 (h) 4-methyl-2, 5-dimethoxyamphetamine;
- 106 (i) 3,4-methylenedioxyamphetamine;
- 107 (j) 3,4-methylenedioxymethamphetamine;
- 108 (k) 3,4-methylenedioxy-N-ethylamphetamine;
- 109 (l) N-hydroxy-3, 4-methylenedioxyamphetamine;
- 110 (m) 3,4,5-trimethoxyamphetamine;
- 111 (n) 5-MeO-DMT or 5-methoxy-N,N-dimethyltryptamine, its isomers, salts, and
- 112 salts of isomers;
- 113 (o) Alpha-ethyltryptamine;
- 114 (p) Alpha-methyltryptamine;
- 115 (q) Bufotenine;
- 116 (r) Diethyltryptamine;

- 117 (s) Dimethyltryptamine;
- 118 (t) 5-methoxy-N,N-diisopropyltryptamine;
- 119 (u) Ibogaine;
- 120 (v) Lysergic acid diethylamide;
- 121 (w) Marijuana or marihuana, **except industrial hemp as defined in section**
- 122 **195.010**;
- 123 (x) Mescaline;
- 124 (y) Parahexyl;
- 125 (z) Peyote, to include all parts of the plant presently classified botanically as
- 126 Lophophora Williamsii Lemaire, whether growing or not; the seeds thereof; any extract
- 127 from any part of such plant; and every compound, manufacture, salt, derivative, mixture
- 128 or preparation of the plant, its seed or extracts;
- 129 (aa) N-ethyl-3-piperidyl benzilate;
- 130 (bb) N-methyl-3-piperidyl benzilate;
- 131 (cc) Psilocybin;
- 132 (dd) Psilocyn;
- 133 (ee) Tetrahydrocannabinols naturally contained in a plant of the genus
- 134 Cannabis (cannabis plant), **except industrial hemp as defined in section 195.010**,
- 135 as well as synthetic equivalents of the substances contained in the cannabis plant, or in
- 136 the resinous extractives of such plant, or synthetic substances, derivatives, and their
- 137 isomers with similar chemical structure and pharmacological activity to those substances
- 138 contained in the plant, such as the following:
- 139 a. 1 cis or trans tetrahydrocannabinol, and their optical isomers;
- 140 b. 6 cis or trans tetrahydrocannabinol, and their optical isomers;
- 141 c. 3,4 cis or trans tetrahydrocannabinol, and their optical isomers;
- 142 d. Any compounds of these structures, regardless of numerical designation of
- 143 atomic positions covered;
- 144 (ff) Ethylamine analog of phencyclidine;
- 145 (gg) Pyrrolidine analog of phencyclidine;
- 146 (hh) Thiophene analog of phencyclidine;
- 147 (ii) 1-[1-(2-thienyl)cyclohexyl]pyrrolidine;
- 148 (jj) Salvia divinorum;
- 149 (kk) Salvinorin A;
- 150 (ll) Synthetic cannabinoids:
- 151 a. Any compound structurally derived from 3-(1-naphthoyl)indole or
- 152 1H-indol-3-yl-(1-naphthyl)methane by substitution at the nitrogen atom of the indole ring

153 by alkyl, haloalkyl, alkenyl, cycloalkylmethyl, cycloalkylethyl,
154 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group, whether or not further
155 substituted in the indole ring to any extent, whether or not substituted in the naphthyl
156 ring to any extent. Including, but not limited to:

- 157 (i) JWH-007, or 1-pentyl-2-methyl-3-(1-naphthoyl)indole;
- 158 (ii) JWH-015, or 1-propyl-2-methyl-3-(1-naphthoyl)indole;
- 159 (iii) JWH-018, or 1-pentyl-3-(1-naphthoyl)indole;
- 160 (iv) JWH-019, or 1-hexyl-3-(1-naphthoyl)indole;
- 161 (v) JWH-073, or 1-butyl-3-(1-naphthoyl)indole;
- 162 (vi) JWH-081, or 1-pentyl-3-(4-methoxy-1-naphthoyl)indole;
- 163 (vii) JWH-098, or 1-pentyl-2-methyl-3-(4-methoxy-1-naphthoyl)indole;
- 164 (viii) JWH-122, or 1-pentyl-3-(4-methyl-1-naphthoyl)indole;
- 165 (ix) JWH-164, or 1-pentyl-3-(7-methoxy-1-naphthoyl)indole;
- 166 (x) JWH-200, or 1-(2-(4-(morpholinyl)ethyl))-3-(1-naphthoyl)indole;
- 167 (xi) JWH-210, or 1-pentyl-3-(4-ethyl-1-naphthoyl)indole;
- 168 (xii) JWH-398, or 1-pentyl-3-(4-chloro-1-naphthoyl)indole;

169 b. Any compound structurally derived from 3-(1-naphthoyl)pyrrole by
170 substitution at the nitrogen atom of the pyrrole ring by alkyl, haloalkyl, alkenyl,
171 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
172 2-(4-morpholinyl)ethyl group, whether or not further substituted in the pyrrole ring to
173 any extent, whether or not substituted in the naphthyl ring to any extent;

174 c. Any compound structurally derived from 1-(1-naphthylmethyl)indene by
175 substitution at the 3-position of the indene ring by alkyl, haloalkyl, alkenyl,
176 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or
177 2-(4-morpholinyl)ethyl group, whether or not further substituted in the indene ring to
178 any extent, whether or not substituted in the naphthyl ring to any extent;

179 d. Any compound structurally derived from 3-phenylacetylindole by substitution
180 at the nitrogen atom of the indole ring with alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
181 cycloalkylethyl, 1-(N-methyl-2-piperidinyl)methyl or 2-(4-morpholinyl)ethyl group,
182 whether or not further substituted in the indole ring to any extent, whether or not
183 substituted in the phenyl ring to any extent. Including, but not limited to:

- 184 (i) JWH-201, or 1-pentyl-3-(4-methoxyphenylacetyl)indole;
- 185 (ii) JWH-203, or 1-pentyl-3-(2-chlorophenylacetyl)indole;
- 186 (iii) JWH-250, or 1-pentyl-3-(2-methoxyphenylacetyl)indole;
- 187 (iv) JWH-251, or 1-pentyl-3-(2-methylphenylacetyl)indole;
- 188 (v) RCS-8, or 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole;

189 e. Any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol by
190 substitution at the 5-position of the phenolic ring by alkyl, haloalkyl, alkenyl,
191 cycloalkylmethyl, cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or
192 2-(4-morpholinyl)ethyl group, whether or not substituted in the cyclohexyl ring to any
193 extent. Including, but not limited to:

194 (i) CP 47, 497 & homologues, or 2-[(1R,3S)-3-hydroxycyclohexyl]-5-
195 (2-methyloctan-2-yl)phenol), where side chain n=5, and homologues where side chain
196 n=4,6, or 7;

197 f. Any compound containing a 3-(benzoyl)indole structure with substitution at
198 the nitrogen atom of the indole ring by alkyl, haloalkyl, alkenyl, cycloalkylmethyl,
199 cycloalkylethyl, 1-(N-methyl-2-piperidiny)methyl or 2-(4-morpholinyl)ethyl group,
200 whether or not further substituted in the indole ring to any extent and whether or not
201 substituted in the phenyl ring to any extent. Including, but not limited to:

202 (i) AM-694, or 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole;

203 (ii) RCS-4, or 1-pentyl-3-(4-methoxybenzoyl)indole;

204 g. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-
205 2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

206 h. HU-210, or (6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-
207 6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

208 i. HU-211, or Dexanabinol, (6aS,10aS)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-
209 methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol;

210 j. CP 50,556-1, or [(6S,6aR,9R,10aR)-9-hydroxy-6-methyl-3-[(2R)-5-phenylpentan-
211 2-yl]oxy-5,6,6a,7,8,9,10,10a-octahydrophenanthridin-1-yl] acetate;

212 k. Dimethylheptylpyran, or DMHP;

213 (5) Any material, compound, mixture or preparation containing any quantity of
214 the following substances having a depressant effect on the central nervous system,
215 including their salts, isomers and salts of isomers whenever the existence of these salts,
216 isomers and salts of isomers is possible within the specific chemical designation:

217 (a) Gamma-hydroxybutyric acid;

218 (b) Mecloqualone;

219 (c) Methaqualone;

220 (6) Any material, compound, mixture or preparation containing any quantity of
221 the following substances having a stimulant effect on the central nervous system,
222 including their salts, isomers and salts of isomers:

223 (a) Aminorex;

224 (b) N-benzylpiperazine;

- 225 (c) Cathinone;
226 (d) Fenethylamine;
227 (e) 3-Fluoromethcathinone;
228 (f) 4-Fluoromethcathinone;
229 (g) Mephedrone, or 4-methylmethcathinone;
230 (h) Methcathinone;
231 (i) 4-methoxymethcathinone;
232 (j) (+,-)cis-4-methylaminorex ((+,-)cis-4,5-dihydro-4-methyl-5-phenyl-2-
233 oxazoline);
234 (k) Methylenedioxypropylamphetamine, MDPV, or (1-(1,3-Benzodioxol-5-yl)-2-(1-
235 pyrrolidinyl)-1-pentanone);
236 (l) Methylenedioxypropylamphetamine;
237 (m) 4-Methyl-alpha-pyrrolidinobutylphenone, or MPBP;
238 (n) N-ethylamphetamine;
239 (o) N,N-dimethylamphetamine;
240 (7) A temporary listing of substances subject to emergency scheduling under
241 federal law shall include any material, compound, mixture or preparation which contains
242 any quantity of the following substances:
243 (a) N-(1-benzyl-4-piperidyl)-N-phenylpropanamide (benzylfentanyl), its optical
244 isomers, salts and salts of isomers;
245 (b) N-(1-(2-thienyl)methyl-4-piperidyl)-N-phenylpropanamide (thienylfentanyl),
246 its optical isomers, salts and salts of isomers;
247 (8) Khat, to include all parts of the plant presently classified botanically as *catha*
248 *edulis*, whether growing or not; the seeds thereof; any extract from any part of such
249 plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the
250 plant, its seed or extracts.
251 3. The department of health and senior services shall place a substance in
252 Schedule II if it finds that:
253 (1) The substance has high potential for abuse;
254 (2) The substance has currently accepted medical use in treatment in the
255 United States, or currently accepted medical use with severe restrictions; and
256 (3) The abuse of the substance may lead to severe psychic or physical
257 dependence.
258 4. The controlled substances listed in this subsection are included in Schedule
259 II:
260 (1) Any of the following substances whether produced directly or indirectly by

261 extraction from substances of vegetable origin, or independently by means of chemical
262 synthesis, or by combination of extraction and chemical synthesis:

263 (a) Opium and opiate and any salt, compound, derivative or preparation of
264 opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan,
265 nalbuphine, nalmefene, naloxone and naltrexone, and their respective salts but including
266 the following:

- 267 a. Raw opium;
- 268 b. Opium extracts;
- 269 c. Opium fluid;
- 270 d. Powdered opium;
- 271 e. Granulated opium;
- 272 f. Tincture of opium;
- 273 g. Codeine;
- 274 h. Ethylmorphine;
- 275 i. Etorphine hydrochloride;
- 276 j. Hydrocodone;
- 277 k. Hydromorphone;
- 278 l. Metopon;
- 279 m. Morphine;
- 280 n. Oxycodone;
- 281 o. Oxymorphone;
- 282 p. Thebaine;

283 (b) Any salt, compound, derivative, or preparation thereof which is chemically
284 equivalent or identical with any of the substances referred to in this subdivision, but not
285 including the isoquinoline alkaloids of opium;

286 (c) Opium poppy and poppy straw;

287 (d) Coca leaves and any salt, compound, derivative, or preparation of coca
288 leaves, and any salt, compound, derivative, or preparation thereof which is chemically
289 equivalent or identical with any of these substances, but not including decocainized coca
290 leaves or extractions which do not contain cocaine or ecgonine;

291 (e) Concentrate of poppy straw (the crude extract of poppy straw in either
292 liquid, solid or powder form which contains the phenanthrene alkaloids of the opium
293 poppy);

294 (2) Any of the following opiates, including their isomers, esters, ethers, salts, and
295 salts of isomers, whenever the existence of these isomers, esters, ethers and salts is
296 possible within the specific chemical designation, dextrorphan and levopropoxyphene

297 excepted:

- 298 (a) Alfentanil;
- 299 (b) Alphaprodine;
- 300 (c) Anileridine;
- 301 (d) Bezitramide;
- 302 (e) Bulk dextropropoxyphene;
- 303 (f) Carfentanil;
- 304 (g) Dihydrocodeine;
- 305 (h) Diphenoxylate;
- 306 (i) Fentanyl;
- 307 (j) Isomethadone;
- 308 (k) Levo-alphacetylmethadol;
- 309 (l) Levomethorphan;
- 310 (m) Levorphanol;
- 311 (n) Metazocine;
- 312 (o) Methadone;
- 313 (p) Meperidine;
- 314 (q) Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenylbutane;
- 315 (r) Moramide-Intermediate, 2-methyl-3-morpholino-1,
316 [1-diphenylpropane--carboxylic acid] **1-diphenylpropane-carboxylic acid**;
- 317 (s) Pethidine (meperidine);
- 318 (t) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;
- 319 (u) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;
- 320 (v) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;
- 321 (w) Phenazocine;
- 322 (x) Piminodine;
- 323 (y) Racemethorphan;
- 324 (z) Racemorphan;
- 325 (aa) Remifentanil;
- 326 (bb) Sufentanil;
- 327 (cc) Tapentadol;
- 328 (3) Any material, compound, mixture, or preparation which contains any
329 quantity of the following substances having a stimulant effect on the central nervous
330 system:

- 331 (a) Amphetamine, its salts, optical isomers, and salts of its optical isomers;
- 332 (b) Lisdexamfetamine, its salts, isomers, and salts of its isomers;

- 333 (c) Methamphetamine, its salts, isomers, and salts of its isomers;
334 (d) Phenmetrazine and its salts;
335 (e) Methylphenidate;
336 (4) Any material, compound, mixture, or preparation which contains any
337 quantity of the following substances having a depressant effect on the central nervous
338 system, including its salts, isomers, and salts of isomers whenever the existence of those
339 salts, isomers, and salts of isomers is possible within the specific chemical designation:
340 (a) Amobarbital;
341 (b) Glutethimide;
342 (c) Pentobarbital;
343 (d) Phencyclidine;
344 (e) Secobarbital;
345 (5) Any material or compound which contains any quantity of nabilone;
346 (6) Any material, compound, mixture, or preparation which contains any
347 quantity of the following substances:
348 (a) Immediate precursor to amphetamine and methamphetamine:
349 Phenylacetone;
350 (b) Immediate precursors to phencyclidine (PCP):
351 a. 1-phenylcyclohexylamine;
352 b. 1-piperidinocyclohexanecarbonitrile (PCC);
353 (7) Any material, compound, mixture, or preparation which contains any
354 quantity of the following alkyl nitrites:
355 (a) Amyl nitrite;
356 (b) Butyl nitrite.
357 5. The department of health and senior services shall place a substance in
358 Schedule III if it finds that:
359 (1) The substance has a potential for abuse less than the substances listed in
360 Schedules I and II;
361 (2) The substance has currently accepted medical use in treatment in the
362 United States; and
363 (3) Abuse of the substance may lead to moderate or low physical dependence or
364 high psychological dependence.
365 6. The controlled substances listed in this subsection are included in Schedule
366 III:
367 (1) Any material, compound, mixture, or preparation which contains any
368 quantity of the following substances having a potential for abuse associated with a

369 stimulant effect on the central nervous system:

- 370 (a) Benzphetamine;
- 371 (b) Chlorphentermine;
- 372 (c) Clortermine;
- 373 (d) Phendimetrazine;

374 (2) Any material, compound, mixture or preparation which contains any
375 quantity or salt of the following substances or salts having a depressant effect on the
376 central nervous system:

377 (a) Any material, compound, mixture or preparation which contains any
378 quantity or salt of the following substances combined with one or more active medicinal
379 ingredients:

- 380 a. Amobarbital;
- 381 b. Secobarbital;
- 382 c. Pentobarbital;

383 (b) Any suppository dosage form containing any quantity or salt of the following:

- 384 a. Amobarbital;
- 385 b. Secobarbital;
- 386 c. Pentobarbital;

387 (c) Any substance which contains any quantity of a derivative of barbituric acid
388 or its salt;

- 389 (d) Chlorhexadol;
- 390 (e) Embutramide;

391 (f) Gamma hydroxybutyric acid and its salts, isomers, and salts of isomers
392 contained in a drug product for which an application has been approved under Section
393 505 of the federal Food, Drug, and Cosmetic Act;

- 394 (g) Ketamine, its salts, isomers, and salts of isomers;
- 395 (h) Lysergic acid;
- 396 (i) Lysergic acid amide;
- 397 (j) Methyprylon;

398 (k) Sulfondiethylmethane;

399 (l) Sulfonethylmethane;

400 (m) Sulfonmethane;

401 (n) Tiletamine and zolazepam or any salt thereof;

402 (3) Nalorphine;

403 (4) Any material, compound, mixture, or preparation containing limited
404 quantities of any of the following narcotic drugs or their salts:

405 (a) Not more than 1.8 grams of codeine per one hundred milliliters or not more
406 than ninety milligrams per dosage unit, with an equal or greater quantity of an
407 isoquinoline alkaloid of opium;

408 (b) Not more than 1.8 grams of codeine per one hundred milliliters or not more
409 than ninety milligrams per dosage unit with one or more active, nonnarcotic ingredients
410 in recognized therapeutic amounts;

411 (c) Not more than three hundred milligrams of hydrocodone per one hundred
412 milliliters or not more than fifteen milligrams per dosage unit, with a fourfold or greater
413 quantity of an isoquinoline alkaloid of opium;

414 (d) Not more than three hundred milligrams of hydrocodone per one hundred
415 milliliters or not more than fifteen milligrams per dosage unit, with one or more active
416 nonnarcotic ingredients in recognized therapeutic amounts;

417 (e) Not more than 1.8 grams of dihydrocodeine per one hundred milliliters or not
418 more than ninety milligrams per dosage unit, with one or more active nonnarcotic
419 ingredients in recognized therapeutic amounts;

420 (f) Not more than three hundred milligrams of ethylmorphine per one hundred
421 milliliters or not more than fifteen milligrams per dosage unit, with one or more active,
422 nonnarcotic ingredients in recognized therapeutic amounts;

423 (g) Not more than five hundred milligrams of opium per one hundred milliliters
424 or per one hundred grams or not more than twenty-five milligrams per dosage unit, with
425 one or more active nonnarcotic ingredients in recognized therapeutic amounts;

426 (h) Not more than fifty milligrams of morphine per one hundred milliliters or
427 per one hundred grams, with one or more active, nonnarcotic ingredients in recognized
428 therapeutic amounts;

429 (5) Any material, compound, mixture, or preparation containing any of the
430 following narcotic drugs or their salts, as set forth in subdivision (6) of this subsection;
431 buprenorphine;

432 (6) Anabolic steroids. Any drug or hormonal substance, chemically and
433 pharmacologically related to testosterone (other than estrogens, progestins,
434 corticosteroids, and dehydroepiandrosterone) that promotes muscle growth, except an
435 anabolic steroid which is expressly intended for administration through implants to
436 cattle or other nonhuman species and which has been approved by the Secretary of
437 Health and Human Services for that administration. If any person prescribes, dispenses,
438 or distributes such steroid for human use, such person shall be considered to have
439 prescribed, dispensed, or distributed an anabolic steroid within the meaning of this
440 subdivision. Unless specifically excepted or unless listed in another schedule, any

441 material, compound, mixture or preparation containing any quantity of the following
442 substances, including its salts, esters and ethers:

- 443 (a) 3 β ,17-dihydroxy-5 α -androstane;
- 444 (b) 3 α ,17 β -dihydroxy-5 α -androstane;
- 445 (c) 5 α -androstan-3,17-dione;
- 446 (d) 1-androstenediol (3 β ,17 β -dihydroxy-5 α -androst-1-ene);
- 447 (e) 1-androstenediol (3 α ,17 β -dihydroxy-5 α -androst-1-ene);
- 448 (f) 4-androstenediol (3 β ,17 β -dihydroxy-androst-4-ene);
- 449 (g) 5-androstenediol (3 β ,17 β -dihydroxy-androst-5-ene);
- 450 (h) 1-androstenedione ([5 α]-androst-1-en-3,17-dione);
- 451 (i) 4-androstenedione (androst-4-en-3,17-dione);
- 452 (j) 5-androstenedione (androst-5-en-3,17-dione);
- 453 (k) Bolasterone (7 α , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 454 (l) Boldenone (17 β -hydroxyandrost-1,4,-diene-3-one);
- 455 (m) Boldione;
- 456 (n) Calusterone (7 β , 17 α -dimethyl-17 β -hydroxyandrost-4-en-3-one);
- 457 (o) Clostebol (4-chloro-17 β -hydroxyandrost-4-en-3-one);
- 458 (p) Dehydrochloromethyltestosterone (4-chloro-17 β -hydroxy-17 α -methyl-androst-1,
459 4-dien-3-one);
- 460 (q) Desoxymethyltestosterone;
- 461 (r) Δ 1-dihydrotestosterone (a.k.a. '1-testosterone')(17 β -hydroxy-5 α -androst-1-
462 en-3-one);
- 463 (s) 4-dihydrotestosterone (17 β -hydroxy-androstan-3-one);
- 464 (t) Drostanolone (17 β -hydroxy-2 α -methyl-5 α -androstan-3-one);
- 465 (u) Ethylestrenol (17 α -ethyl-17 β -hydroxyestr-4-ene);
- 466 (v) Fluoxymesterone (9-fluoro-17 α -methyl-11 β ,17 β -dihydroxyandrost-4-en-3-one);
- 467 (w) Formebolone (2-formyl-17 α -methyl-11 α ,17 β -dihydroxyandrost-1,4-dien-3-one);
- 468 (x) Furazabol (17 α -methyl-17 β -hydroxyandrostan[2,3-c]-furazan);
- 469 (y) 13 β -ethyl-17 β -hydroxygon-4-en-3-one;
- 470 (z) 4-hydroxytestosterone (4,17 β -dihydroxy-androst-4-en-3-one);
- 471 (aa) 4-hydroxy-19-nortestosterone (4,17 β -dihydroxy-estr-4-en-3-one);
- 472 (bb) Mestanolone (17 α -methyl-17 β -hydroxy-5-androstan-3-one);
- 473 (cc) Mesterolone (1 α -methyl-17 β -hydroxy-[5 α]-androstan-3-one);
- 474 (dd) Methandienone (17 α -methyl-17 β -hydroxyandrost-1,4-dien-3-one);
- 475 (ee) Methandriol (17 α -methyl-3 β ,17 β -dihydroxyandrost-5-ene);
- 476 (ff) Methenolone (1-methyl-17 β -hydroxy-5 α -androst-1-en-3-one);

- 477 (gg) 17 α -methyl-3 β ,17 β -dihydroxy-5 α -androstane);
478 (hh) 17 α -methyl-3 α ,17 β -dihydroxy-5 α -androstane);
479 (ii) 17 α -methyl-3 β ,17 β -dihydroxyandrost-4-ene;
480 (jj) 17 α -methyl-4-hydroxynandrolone (17 α -methyl-4-hydroxy-17 β -hydroxyestr-4-en-
481 3-one);
482 (kk) Methyldienolone (17 α -methyl-17 β -hydroxyestra-4,9(10)-dien-3-one);
483 (ll) Methyltrienolone (17 α -methyl-17 β -hydroxyestra-4,9-11-trien-3-one);
484 (mm) Methyltestosterone (17 α -methyl-17 β -hydroxyandrost-4-en-3-one);
485 (nn) Mibolerone (7 α ,17 α -dimethyl-17 β -hydroxyestr-4-en-3-one);
486 (oo) 17 α -methyl- Δ 1-dihydrotestosterone (17 β -hydroxy-17 α -methyl-5 α -androst-1-
487 en-3-one) (a.k.a. '17- α -methyl-1-testosterone');
488 (pp) Nandrolone (17 β -hydroxyestr-4-ene-3-one);
489 (qq) 19-nor-4-androstenediol (3 β ,17 β -dihydroxyestr-4-ene);
490 (rr) 19-nor-4-androstenediol (3 α ,17 β -dihydroxyestr-4-ene);
491 (ss) 19-nor-4,9(10)-androstadienedione;
492 (tt) 19-nor-5-androstenediol (3 β ,17 β -dihydroxyestr-5-ene);
493 (uu) 19-nor-5-androstenediol (3 α ,17 β -dihydroxyestr-5-ene);
494 (vv) 19-nor-4-androstenedione (estr-4-en-3,17-dione);
495 (ww) 19-nor-5-androstenedione (estr-5-en-3,17-dione);
496 (xx) Norbolethone (13 β ,17 α -diethyl-17 β -hydroxygon-4-en-3-one);
497 (yy) Norclostebol (4-chloro-17 β -hydroxyestr-4-en-3-one);
498 (zz) Norethandrolone (17 α -ethyl-17 β -hydroxyestr-4-en-3-one);
499 (aaa) Normethandrolone (17 α -methyl-17 β -hydroxyestr-4-en-3-one);
500 (bbb) Oxandrolone (17 α -methyl-17 β -hydroxy-2-oxa-[5 α]-androstan-3-one);
501 (ccc) Oxymesterone (17 α -methyl-4,17 β -dihydroxyandrost-4-en-3-one);
502 (ddd) Oxymethalone (17 α -methyl-2-hydroxymethylene-17 β -hydroxy-[5 α]-
503 androstan-3-one);
504 (eee) Stanozolol (17 α -methyl-17 β -hydroxy-[5 α]-androst-2-eno[3,2-c]-pyrazole);
505 (fff) Stenbolone (17 β -hydroxy-2-methyl-[5 α]-androst-1-en-3-one);
506 (ggg) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid
507 lactone);
508 (hhh) Testosterone (17 β -hydroxyandrost-4-en-3-one);
509 (iii) Tetrahydrogestrinone (13 β ,17 α -diethyl-17 β -hydroxygon-4,9,11-trien-3-one);
510 (jjj) Trenbolone (17 β -hydroxyestr-4,9,11-trien-3-one);
511 (kkk) Any salt, ester, or ether of a drug or substance described or listed in this
512 subdivision, except an anabolic steroid which is expressly intended for administration

513 through implants to cattle or other nonhuman species and which has been approved by
514 the Secretary of Health and Human Services for that administration;

515 (7) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin
516 capsule in a United States Food and Drug Administration approved drug product;

517 (8) The department of health and senior services may except by rule any
518 compound, mixture, or preparation containing any stimulant or depressant substance
519 listed in subdivisions (1) and (2) of this subsection from the application of all or any part
520 of sections 195.010 to 195.320 if the compound, mixture, or preparation contains one or
521 more active medicinal ingredients not having a stimulant or depressant effect on the
522 central nervous system, and if the admixtures are included therein in combinations,
523 quantity, proportion, or concentration that vitiate the potential for abuse of the
524 substances which have a stimulant or depressant effect on the central nervous system.

525 7. The department of health and senior services shall place a substance in
526 Schedule IV if it finds that:

527 (1) The substance has a low potential for abuse relative to substances in
528 Schedule III;

529 (2) The substance has currently accepted medical use in treatment in the
530 United States; and

531 (3) Abuse of the substance may lead to limited physical dependence or
532 psychological dependence relative to the substances in Schedule III.

533 8. The controlled substances listed in this subsection are included in Schedule
534 IV:

535 (1) Any material, compound, mixture, or preparation containing any of the
536 following narcotic drugs or their salts calculated as the free anhydrous base or alkaloid,
537 in limited quantities as set forth below:

538 (a) Not more than one milligram of difenoxin and not less than twenty-five
539 micrograms of atropine sulfate per dosage unit;

540 (b) Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-
541 propionoxybutane);

542 (c) Any of the following limited quantities of narcotic drugs or their salts, which
543 shall include one or more nonnarcotic active medicinal ingredients in sufficient
544 proportion to confer upon the compound, mixture or preparation valuable medicinal
545 qualities other than those possessed by the narcotic drug alone:

546 a. Not more than two hundred milligrams of codeine per one hundred milliliters
547 or per one hundred grams;

548 b. Not more than one hundred milligrams of dihydrocodeine per one hundred

549 milliliters or per one hundred grams;

550 c. Not more than one hundred milligrams of ethylmorphine per one hundred
551 milliliters or per one hundred grams;

552 (2) Any material, compound, mixture or preparation containing any quantity of
553 the following substances, including their salts, isomers, and salts of isomers whenever
554 the existence of those salts, isomers, and salts of isomers is possible within the specific
555 chemical designation:

- 556 (a) Alprazolam;
- 557 (b) Barbitol;
- 558 (c) Bromazepam;
- 559 (d) Camazepam;
- 560 (e) Chloral betaine;
- 561 (f) Chloral hydrate;
- 562 (g) Chlordiazepoxide;
- 563 (h) Clobazam;
- 564 (i) Clonazepam;
- 565 (j) Clorazepate;
- 566 (k) Clotiazepam;
- 567 (l) Cloxazolam;
- 568 (m) Delorazepam;
- 569 (n) Diazepam;
- 570 (o) Dichloralphenazone;
- 571 (p) Estazolam;
- 572 (q) Ethchlorvynol;
- 573 (r) Ethinamate;
- 574 (s) Ethyl loflazepate;
- 575 (t) Fludiazepam;
- 576 (u) Flunitrazepam;
- 577 (v) Flurazepam;
- 578 (w) Fospropofol;
- 579 (x) Halazepam;
- 580 (y) Haloxazolam;
- 581 (z) Ketazolam;
- 582 (aa) Loprazolam;
- 583 (bb) Lorazepam;
- 584 (cc) Lormetazepam;

- 585 (dd) Mebutamate;
586 (ee) Medazepam;
587 (ff) Meprobamate;
588 (gg) Methohexital;
589 (hh) Methylphenobarbital (mephobarbital);
590 (ii) Midazolam;
591 (jj) Nimetazepam;
592 (kk) Nitrazepam;
593 (ll) Nordiazepam;
594 (mm) Oxazepam;
595 (nn) Oxazolam;
596 (oo) Paraldehyde;
597 (pp) Petrichloral;
598 (qq) Phenobarbital;
599 (rr) Pinazepam;
600 (ss) Prazepam;
601 (tt) Quazepam;
602 (uu) Temazepam;
603 (vv) Tetrazepam;
604 (ww) Triazolam;
605 (xx) Zaleplon;
606 (yy) Zolpidem;
607 (zz) Zopiclone;

608 (3) Any material, compound, mixture, or preparation which contains any
609 quantity of the following substance including its salts, isomers and salts of isomers
610 whenever the existence of such salts, isomers and salts of isomers is possible:
611 fenfluramine;

612 (4) Any material, compound, mixture or preparation containing any quantity of
613 the following substances having a stimulant effect on the central nervous system,
614 including their salts, isomers and salts of isomers:

- 615 (a) Cathine ((+)-norpseudoephedrine);
616 (b) Diethylpropion;
617 (c) Fencamfamin;
618 (d) Fenproporex;
619 (e) Mazindol;
620 (f) Mefenorex;

621 (g) Modafinil;
622 (h) Pemoline, including organometallic complexes and chelates thereof;
623 (i) Phentermine;
624 (j) Pipradrol;
625 (k) Sibutramine;
626 (l) SPA ((-)-1-dimethylamino-1,2-diphenylethane);
627 (5) Any material, compound, mixture or preparation containing any quantity of
628 the following substance, including its salts:
629 (a) butorphanol;
630 (b) pentazocine;
631 (6) Ephedrine, its salts, optical isomers and salts of optical isomers, when the
632 substance is the only active medicinal ingredient;
633 (7) The department of health and senior services may except by rule any
634 compound, mixture, or preparation containing any depressant substance listed in
635 subdivision (1) of this subsection from the application of all or any part of sections
636 195.010 to 195.320 if the compound, mixture, or preparation contains one or more active
637 medicinal ingredients not having a depressant effect on the central nervous system, and
638 if the admixtures are included therein in combinations, quantity, proportion, or
639 concentration that vitiate the potential for abuse of the substances which have a
640 depressant effect on the central nervous system.
641 9. The department of health and senior services shall place a substance in
642 Schedule V if it finds that:
643 (1) The substance has low potential for abuse relative to the controlled
644 substances listed in Schedule IV;
645 (2) The substance has currently accepted medical use in treatment in the
646 United States; and
647 (3) The substance has limited physical dependence or psychological dependence
648 liability relative to the controlled substances listed in Schedule IV.
649 10. The controlled substances listed in this subsection are included in Schedule
650 V:
651 (1) Any compound, mixture or preparation containing any of the following
652 narcotic drugs or their salts calculated as the free anhydrous base or alkaloid, in limited
653 quantities as set forth below, which also contains one or more nonnarcotic active
654 medicinal ingredients in sufficient proportion to confer upon the compound, mixture or
655 preparation valuable medicinal qualities other than those possessed by the narcotic drug
656 alone:

657 (a) Not more than two and five-tenths milligrams of diphenoxylate and not less
658 than twenty-five micrograms of atropine sulfate per dosage unit;

659 (b) Not more than one hundred milligrams of opium per one hundred milliliters
660 or per one hundred grams;

661 (c) Not more than five-tenths milligram of difenoxin and not less than
662 twenty-five micrograms of atropine sulfate per dosage unit;

663 (2) Any material, compound, mixture or preparation which contains any
664 quantity of the following substance having a stimulant effect on the central nervous
665 system including its salts, isomers and salts of isomers: pyrovalerone;

666 (3) Any compound, mixture, or preparation containing any detectable quantity
667 of pseudoephedrine or its salts or optical isomers, or salts of optical isomers or any
668 compound, mixture, or preparation containing any detectable quantity of ephedrine or
669 its salts or optical isomers, or salts of optical isomers;

670 (4) Unless specifically exempted or excluded or unless listed in another
671 schedule, any material, compound, mixture, or preparation which contains any quantity
672 of the following substances having a depressant effect on the central nervous system,
673 including its salts:

674 (a) Lacosamide;

675 (b) Pregabalin.

676 11. If any compound, mixture, or preparation as specified in subdivision (3) of
677 subsection 10 of this section is dispensed, sold, or distributed in a pharmacy without a
678 prescription:

679 (1) All packages of any compound, mixture, or preparation containing any
680 detectable quantity of pseudoephedrine, its salts or optical isomers, or salts of optical
681 isomers or ephedrine, its salts or optical isomers, or salts of optical isomers, shall be
682 offered for sale only from behind a pharmacy counter where the public is not permitted,
683 and only by a registered pharmacist or registered pharmacy technician; and

684 (2) Any person purchasing, receiving or otherwise acquiring any compound,
685 mixture, or preparation containing any detectable quantity of pseudoephedrine, its salts
686 or optical isomers, or salts of optical isomers or ephedrine, its salts or optical isomers,
687 or salts of optical isomers shall be at least eighteen years of age; and

688 (3) The pharmacist, intern pharmacist, or registered pharmacy technician shall
689 require any person, prior to their purchasing, receiving or otherwise acquiring such
690 compound, mixture, or preparation to furnish suitable photo identification that is issued
691 by a state or the federal government or a document that, with respect to identification,
692 is considered acceptable and showing the date of birth of the person;

693 (4) The seller shall deliver the product directly into the custody of the
694 purchaser.

695 12. Pharmacists, intern pharmacists, and registered pharmacy technicians shall
696 implement and maintain an electronic log of each transaction. Such log shall include
697 the following information:

698 (1) The name, address, and signature of the purchaser;

699 (2) The amount of the compound, mixture, or preparation purchased;

700 (3) The date and time of each purchase; and

701 (4) The name or initials of the pharmacist, intern pharmacist, or registered
702 pharmacy technician who dispensed the compound, mixture, or preparation to the
703 purchaser.

704 13. Each pharmacy shall submit information regarding sales of any compound,
705 mixture, or preparation as specified in subdivision (3) of subsection 10 of this section in
706 accordance with transmission methods and frequency established by the department by
707 regulation.

708 14. No person shall dispense, sell, purchase, receive, or otherwise acquire
709 quantities greater than those specified in this chapter.

710 15. All persons who dispense or offer for sale pseudoephedrine and ephedrine
711 products in a pharmacy shall ensure that all such products are located only behind a
712 pharmacy counter where the public is not permitted.

713 16. Any person who knowingly or recklessly violates the provisions of
714 subsections 11 to 15 of this section is guilty of a class A misdemeanor.

715 17. The scheduling of substances specified in subdivision (3) of subsection 10 of
716 this section and subsections 11, 12, 14, and 15 of this section shall not apply to any
717 compounds, mixtures, or preparations that are in liquid or liquid-filled gel capsule form
718 or to any compound, mixture, or preparation specified in subdivision (3) of subsection 10
719 of this section which must be dispensed, sold, or distributed in a pharmacy pursuant to
720 a prescription.

721 18. The manufacturer of a drug product or another interested party may apply
722 with the department of health and senior services for an exemption from this
723 section. The department of health and senior services may grant an exemption by rule
724 from this section if the department finds the drug product is not used in the illegal
725 manufacture of methamphetamine or other controlled or dangerous substances. The
726 department of health and senior services shall rely on reports from law enforcement and
727 law enforcement evidentiary laboratories in determining if the proposed product can be
728 used to manufacture illicit controlled substances.

729 19. The department of health and senior services shall revise and republish the
730 schedules annually.

731 20. The department of health and senior services shall promulgate rules under
732 chapter 536 regarding the security and storage of Schedule V controlled substances, as
733 described in subdivision (3) of subsection 10 of this section, for distributors as registered
734 by the department of health and senior services.

735 21. Logs of transactions required to be kept and maintained by this section and
736 section 195.417 shall create a rebuttable presumption that the person whose name
737 appears in the logs is the person whose transactions are recorded in the logs.

**195.203. Notwithstanding any other provision of this chapter or
2 chapter 579 to the contrary, it shall be legal for any person who has a valid
3 industrial hemp license as provided under sections 195.600 to 195.606 to grow,
4 harvest, and cultivate industrial hemp as defined in section 195.010 in
5 accordance with the requirements of sections 195.600 to 195.606.**

**195.600. For the purposes of sections 195.600 to 195.606, the following
2 terms shall mean:**

3 (1) "Agricultural hemp seed", *Cannabis sativa* L. seed that meets any
4 labeling, quality, or other standards set by the department of agriculture and
5 that is intended for sale, is sold to, or is purchased by licensed growers for
6 planting;

7 (2) "Crop", any field of industrial hemp grown under a single license;

8 (3) "Department", the Missouri department of agriculture;

9 (4) "Grain", seed used to make an industrial hemp commodity or
10 product;

11 (5) "Grower", a person, joint venture, or cooperative that produces
12 industrial hemp;

13 (6) "Handler", a person, joint venture, or cooperative that receives
14 industrial hemp for processing into commodities, products, or agricultural
15 hemp seed;

16 (7) "Industrial hemp", the same as such term is defined in section
17 195.010;

18 (8) "Industrial hemp plant monitoring system", an electronic seed-to-
19 sale tracking system that includes, but is not limited to, testing and data
20 collection established and maintained by a grower or handler and available
21 to the department for purposes of documenting and for monitoring
22 agricultural hemp seed and industrial hemp plant development throughout
23 the life cycle of an industrial hemp plant cultivated as an agricultural product

24 from seed planting to final packaging.

195.603. 1. There is hereby created an industrial hemp agricultural
2 pilot program to be implemented by the department. Industrial hemp
3 production, possession, and commerce in industrial hemp commodities and
4 products shall be permitted in this state under sections 195.600 to 195.606.

5 2. Industrial hemp shall be an agricultural product that is subject to
6 regulation by the department of agriculture, including compliance with an
7 industrial hemp plant monitoring system. Any grower and handler of
8 industrial hemp shall obtain a license from the department. Growers and
9 handlers engaged in the production of agricultural hemp seed shall also have
10 an agricultural hemp seed production permit.

11 3. An application for an industrial hemp license or agricultural hemp
12 seed production permit shall include:

13 (1) The name and address of the applicant;

14 (2) The name and address of the industrial hemp operation of the
15 applicant;

16 (3) The global positioning system coordinates and legal description for
17 the property used for the industrial hemp; and

18 (4) Any other information required by the department.

19 4. The department shall issue a license or permit under this section to
20 an applicant who meets the requirements of sections 195.600 to 195.606 and
21 upon satisfactory completion of a fingerprint criminal history background
22 check. A license or permit shall not be issued to a person who has been found
23 guilty of a felony offense in the ten years immediately preceding the
24 application date or a person who at any time has been found guilty of a felony
25 offense under any state or federal law regarding the possession, distribution,
26 manufacturing, cultivation, or use of a controlled substance.

27 5. Upon issuance of a license or permit, information regarding all
28 license and permit holders shall be forwarded to the state highway patrol.

29 6. An industrial hemp license or agricultural hemp seed production
30 permit is:

31 (1) Nontransferable; except that, such license or permit may be
32 transferred to a spouse or child, who otherwise meets the requirements of a
33 licensee or permittee, and the spouse or child may operate under the existing
34 license or permit until the registration expires, at which time the renewal
35 shall reflect the change in licensee;

36 (2) Valid for a three-year term unless revoked by the department; and

37 (3) May be renewed as determined by the department.

38 7. An agricultural hemp seed production permit authorizes a grower
39 or handler to produce and handle agricultural hemp seed for sale to licensed
40 industrial hemp growers and handlers. The department shall make
41 information that identifies sellers of agricultural hemp seed available to
42 growers, and any seller of agricultural hemp seed shall ensure that the seed
43 complies with any standards established by the department.

44 8. A grower may retain seed from each industrial hemp crop to ensure
45 a sufficient supply of seed for that grower for the following year. A grower
46 shall not be required to obtain an agricultural hemp seed production permit
47 in order to retain seed for future planting. Any seed retained by a grower for
48 future planting shall not be sold or transferred.

49 9. Every grower or handler shall be subject to an industrial hemp
50 plant monitoring system and shall keep industrial hemp crop and agricultural
51 hemp seed records as required by the department. Upon three days' notice,
52 the department may require an inspection or audit during any normal
53 business hours for the purpose of ensuring compliance with:

54 (1) Any provision of this chapter;

55 (2) Department rules and regulations;

56 (3) Industrial hemp license or agricultural hemp seed production
57 permit requirements, terms, or conditions;

58 (4) Any industrial hemp plant monitoring system; or

59 (5) A final department order directed to the grower's or handler's
60 industrial hemp operations or activities.

61 10. In addition to any inspection conducted under subsection 9 of this
62 section, the department may inspect any industrial hemp crop during the
63 crop's growth phase and take a representative composite sample for field
64 analysis. If a crop contains an average tetrahydrocannabinol concentration
65 exceeding three-tenths of one percent on a dry weight basis, the department
66 may detain, seize, or embargo the crop.

67 11. The department shall charge each grower or handler reasonable
68 fees as determined by the department for the purpose of carrying out the
69 duties of the department under sections 195.600 to 195.606, including fees to
70 cover the administrative costs of processing license and permit applications,
71 the costs of the criminal history background check, and the cost of any
72 inspection of the grower or handler ordered by the department. All fees
73 collected under sections 195.600 to 195.606 shall be deposited in a dedicated

74 fund for use by the department to carry out the duties of the department
75 under sections 195.600 to 195.606.

76 12. The department shall promulgate rules necessary to administer the
77 provisions of sections 195.600 to 195.606. Any rule or portion of a rule, as that
78 term is defined in section 536.010, that is created under the authority
79 delegated in this section shall become effective only if it complies with and is
80 subject to all of the provisions of chapter 536 and, if applicable, section
81 536.028. Sections 195.600 to 195.606 and chapter 536 are nonseverable, and if
82 any of the powers vested with the general assembly under chapter 536 to
83 review, to delay the effective date, or to disapprove and annul a rule are
84 subsequently held unconstitutional, then the grant of rulemaking authority
85 and any rule proposed or adopted after August 28, 2016, shall be invalid and
86 void.

195.606. 1. The department may revoke or refuse to issue or renew an
2 industrial hemp license or agricultural hemp seed production permit and may
3 impose a civil penalty of not less than two thousand five hundred dollars or
4 more than fifty thousand dollars for violation of:

- 5 (1) A license or permit requirement, term, or condition;
- 6 (2) Department rules relating to growing or handling industrial hemp;
- 7 (3) Any industrial hemp plant monitoring system; or
- 8 (4) A final order of the department that is specifically directed to the
9 grower's or handler's industrial hemp operations or activities.

10 2. In addition, the department may revoke or refuse to issue or renew
11 an industrial hemp license or an agricultural hemp seed production permit
12 for failing to comply with any provision of this chapter or for a violation of
13 any rule of the department that pertains to agricultural operations or
14 activities other than industrial hemp growing or handling.

195.609. 1. Any person growing industrial hemp who does not have a
2 valid industrial hemp license issued under sections 195.600 to 195.606 shall be
3 subject to an administrative fine of five hundred dollars and shall obtain a
4 valid license to grow industrial hemp within thirty days.

5 2. If during the thirty-day period described in subsection 1 of this
6 section such person applies for and receives an industrial hemp license, the
7 amount of the fine imposed under subsection 1 of this section shall be
8 refunded in full.

9 3. If during the thirty-day period described in subsection 1 of this
10 section such person fails to obtain an industrial hemp license, the person shall

11 **be fined one thousand dollars per day until such person obtains a license to**
12 **grow industrial hemp or the person's industrial hemp crop is destroyed.**

✓

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